



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

October 14, 2010

Merrily A. Gere
Department of Environmental Protection
Bureau of Air Management, Engineering
and Enforcement
79 Elm Street
Hartford CT 06106-5127

Dear Ms. Gere:

Thank you for the opportunity to comment on the Connecticut Department of Environmental Protection's regulatory changes to implement EPA's Tailoring Rule. Enclosed, please find our comments on the proposed changes to Sections 22a-174-1, 22a-174-3a, and 22a-174-33. We look forward to working with you in addressing these comments within the context of the parallel process for approving amendments to Connecticut's state implementation plan, as requested in a letter from Amey W. Marrella, Commissioner to H. Curtis Spaulding, Regional Administrator, dated September 29, 2010. If you have any questions please contact Donald Dahl at (617) 918-1657.

Sincerely,

Donald F. Dahl, acting

Ida E. McDonnell, Manager
Air Permits, Toxics, and Indoor Air Programs Unit

Enclosure

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1. Section 22a-174-3a(a)(1)(H): For consistency with other provisions in section 22a-174-3a(a)(1), EPA suggests Connecticut add the word new in front of stationary source.

“New stationary source that emits, or has the potential to emit, equal to or greater than 100,000 tons per year of CO₂e and one hundred (100) tons per year of greenhouse gases;”

2. Section 22a-174-3a(j)(1)(F): EPA suggests Connecticut add the following phrase to clarify BACT for significant-level pollutants is contingent on the source meeting the GHG thresholds. Without this additional phrase, it could be interpreted to apply BACT to any significant-level pollutants at any new stationary source.

“From each new stationary source, potential emissions of 100,000 tons or more per year of CO₂e and potential emissions of one hundred (100) tons or more per year of greenhouse gases and, from such a source, potential emissions of each air pollutant above the significant emission rate threshold in Table 3a(k)-1 of this section.”

3. Sections 22a-174-3a(j)(1)(G), (H) and (I) are written slightly different for modifications due to greenhouse gas emissions than 22a-174-3a(j)(1)(B) and (D) which deal with modifications from other pollutants. When a source is modifying, the new sections 22a-174-3a(j)(1)(G), (H) and (I) appear to include a source’s existing potential emissions when determining the threshold for BACT and do not limit the emissions increase calculation to emissions just from the change. This is more stringent than 40 C.F.R. §§ 51.166(b)(iv)(b) and (v)(b) require, and Connecticut is free to adopt more stringent requirements than federal regulations require, but EPA notes this additional stringency is not required as a matter of federal law. Cf. Section 22a-174-3a(1)(J). If Connecticut desires to revise these sections to match the minimum federal requirements, EPA suggests the following changes:

- a. Divide section (G) into separate numbered clauses to match (H) and (I).
- b. In each of (G)-(I), order the three numbered clauses so that the “undertakes” clause is listed *last*.
- c. In each of (G)-(I), revise the “undertakes” clause to specify that the change causes the referenced increase in potential emissions.

4. Section 22a-174-3a(k)(1)(A) should be revised to explicitly address the scenario of 40 C.F.R. § 51.166(b)(iv)(a). PSD requirements for GHG emissions apply at a

new major stationary source of a non-GHG pollutant where the GHG emissions are 75,000 tpy CO₂e. While the BACT provisions at Section 22a-174-3a(j)(1)(E) apply BACT in this situation, revisions to section 22a-174-3a(k) applicability provisions may be necessary to ensure coverage of other provisions in section 22a-174-3a(k).

5. Section 22a-174-3a(k)(4) should be modified to not only apply to a “new major stationary source or modification,” but also to apply to the additional scenarios addressed by 22a-174-3a(j)(1)(E)-(I), so as to require BACT for GHG and, when appropriate, BACT for non-GHG pollutants when triggered by GHG emissions.
6. Section 22a-174-3a(k)(5) should be modified to require ambient monitoring for GHG emissions that exceed 75,000 tpy CO₂e, in accordance with 40 C.F.R. § 51.166(m)(i)(a)-(b).