



STATEMENT PURSUANT TO SECTION 22a-6(h) OF THE CONNECTICUT GENERAL STATUTES

Pursuant to the provisions of section 22a-6(h) of the Connecticut General Statutes (CGS), the Commissioner of the Department of Energy and Environmental Protection (DEEP) is authorized to adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. At the time of public notice, the Commissioner must distinguish clearly all provisions of a regulatory proposal that differ from applicable federal standards or procedures (i.e., federal standards and procedures that apply to the same persons under the proposed state regulation). The Commissioner must distinguish any such provisions either on the face of such proposed regulation or through supplemental documentation accompanying the proposed regulation. In addition, the Commissioner must provide an explanation for all such provisions in the regulation-making record required under CGS Title 4, Chapter 54 and make such explanation publicly available at the time of the publication of the notice of intent required under CGS section 4-168.

In accordance with the requirements of CGS section 22a-6(h), the following statement is entered into the public administrative record in the matter of the proposed amendment of section 22a-174-38 of the Regulations of Connecticut State Agencies (RCSA):

The proposed amendment to RCSA section 22a-174-38 adds three new requirements:

- A more stringent nitrogen oxides (NO_x) emission limit for mass burn waterwall municipal MWCs;
- A new ammonia emission limit of 20 ppmvd @ 7%O₂ on units controlled by selective non-catalytic reduction (SNCR) systems; and
- A requirement to demonstrate compliance with the new ammonia emission limit by either continuous emission monitoring or annual stack testing.

The proposed amendment also eliminates a defunct NO_x emissions credit trading program for MWCs. The program was a state-only program with no federal parallel.

The lower NO_x limit is necessary to comply with an ozone nonattainment requirement of the U.S. Environmental Protection Agency (EPA) under which DEEP must certify that major sources of NO_x emissions in the state, such as the MWCs, are held to standards consistent with the use of reasonably available control technology (RACT). The emissions reductions associated with the more stringent NO_x emission limit are also important for planning to attain the 2015 ozone national ambient air quality standard. The new ammonia emission limit is necessary because of the potential increase in ammonia emissions that may result from the use of the SNCR system to meet the more stringent NO_x emission limit.

EPA currently regulates NOx emissions from MWCs in their New Source Performance Standards (NSPS), emission guidelines and Federal Plans. Connecticut's proposed NOx emission limits are more stringent than the corresponding federal emission limitations for new sources in the NSPS (40 CFR 60, Subparts Ea, Cb and Eb) and for existing sources in the emissions guidelines and corresponding Federal Plan (40 CFR 62, Subpart FFF). While EPA does regulate NOx emissions from MWCs, there are no corresponding federal emissions limitations for ammonia emissions from MWCs. Some of the Connecticut MWC units currently have ammonia emissions limitations that developed so that the owner could obtain a New Source Review permit to construct and operate the MWC. The addition of the ammonia emission limit to the regulation will mean that all Connecticut MWC units that have SNCR to control NOx will be subject to the same ammonia limit.

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Date

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