



General Assembly

**Amendment**

February Session, 2000

LCO No. 4102

Offered by:

REP. O'ROURKE, 32nd Dist.

REP. NYSTROM, 46th Dist.

To: House Bill No. 5583

File No. 143

Cal. No. 152

***"An Act Minimizing Air Emissions At Power Plants."***

1 Strike lines 1 to 3, inclusive, in their entirety and insert the following  
2 in lieu thereof:

3 "(NEW) (a) On and after January 1, 2003, any individual fuel  
4 burning unit in this state used to generate electricity that (1) was built  
5 prior to 1977, (2) has the installed capacity to generate greater than  
6 twenty-five megawatts, and (3)"

7 In line 8, strike "oxides" and insert "dioxide" in lieu thereof

8 Strike lines 12 to 16, inclusive, in their entirety and insert the  
9 following in lieu thereof:

10 "(b) The owner or operator of a facility may request of the  
11 Commissioner of Environmental Protection a one-year extension to  
12 comply with the requirements of subsection (a) of this section due to  
13 circumstances beyond the control of the owner or operator, including,  
14 but not limited to, an imminent threat of a lack of generation capacity

15 within the state as determined by the Department of Public Utility  
16 Control or delays in obtaining a permit pursuant to section 22a-174 of  
17 the general statutes. When making such request, the owner or operator  
18 shall submit evidence of the owner's or operator's diligent efforts to  
19 comply with said requirements, if applicable, such as applications for  
20 and use of best efforts to obtain a required permit, orders for  
21 equipment to comply with subsection (a) of this section or section 22a-  
22 174 of the general statutes or efforts to reduce emission rates of air  
23 pollutants. The commissioner shall hold a public hearing and after  
24 holding such hearing may grant an extension. In granting such an  
25 extension, the commissioner shall make a written finding of cause for  
26 granting the extension. The commissioner shall not grant more than  
27 two one-year extensions for each such facility.

28 (c) The provisions of this section shall not be construed to limit the  
29 authority of the commissioner pursuant to section 22a-174 of the  
30 general statutes to impose stricter standards than those set forth in  
31 subsection (a) of this section.

32 (d) (1) Between January 1, 2003, and December 31, 2005, and for any  
33 period thereafter during which the use of emission reduction trading  
34 has been extended pursuant to subdivision (3) of this subsection, an  
35 owner or operator of a facility may satisfy the emission rate for  
36 nitrogen oxides set forth in subsection (a) of this section by using  
37 emission reduction trading as described in this subsection. Emission  
38 reduction credits shall be purchased by the owner or operator on a  
39 one-to-one basis through the nitrogen oxide budget program  
40 established by the commissioner under 22a-174-22b of the Regulations  
41 of Connecticut State Agencies for the period beginning May first and  
42 ending September thirtieth and through the nitrogen oxide emissions  
43 reduction trading program established by the commissioner under  
44 22a-174-22 of the Regulations of Connecticut State Agencies for the  
45 period beginning October first and ending April thirtieth, provided  
46 any credits to meet the emission limitations through said emissions  
47 reduction trading program are generated from or allocated to facilities  
48 located in Connecticut. A reduction through the use of trading shall

49 equal the difference between the actual total emissions of the facility  
50 that year and the emissions that would have occurred if the facility had  
51 generated the same amount of electricity at the emission rate for  
52 nitrogen oxides specified in subsection (a) of this section.

53 (2) In addition to meeting the requirement for emission reduction  
54 trading in subdivision (1) of this subsection, the facility shall achieve  
55 an additional reduction in its total annual emissions for nitrogen  
56 oxides as follows: (A) During the year commencing January 1, 2002,  
57 twenty per cent of the difference between the facility's total annual  
58 emissions during the facility's representative baseline year and the  
59 total emissions that would have occurred if the facility had generated  
60 the same amount of electricity at the emission rate set forth in  
61 subsection (a) of this section, and (B) during the years commencing  
62 January 1, 2003, January 1, 2004 and January 1, 2005, and for any  
63 period thereafter during which the use of emission reduction trading  
64 has been extended pursuant to subdivision (3) of this subsection, thirty  
65 per cent of such difference. The facility shall achieve such additional  
66 reduction through (i) capacity restrictions, (ii) capital improvements,  
67 (iii) retirement, (iv) fuel switching, (v) operational changes, or (vi) an  
68 equivalent reduction from mobile or stationary sources located within  
69 the municipality in which such facility is located or from mobile or  
70 stationary sources within a three-mile radius of such facility, provided  
71 for any reduction through another source, the owner or operator shall  
72 submit data to the Commissioner of Environmental Protection for  
73 analysis and approval by the commissioner that an actual or  
74 equivalent reduction is achieved and provided further, if a permit is  
75 required to achieve such reduction, the plan required pursuant to  
76 subsection (f) of this section shall include the date for when a permit  
77 application will be submitted to the commissioner. A facility's total  
78 annual emissions during its representative baseline year shall be  
79 calculated by multiplying the facility's actual heat input for the  
80 representative baseline year by the emission rate in effect for that  
81 facility as of the effective date of this act. For purposes of this  
82 subdivision, "representative baseline year" means 1998 or a year prior

83 to 1998, if the commissioner determines it was more representative of  
84 the facility's typical operation.

85 (3) A facility that has been approved for using emission reduction  
86 trading for nitrogen oxides pursuant to the plan submitted to the  
87 commissioner under subsection (f) of this section shall, on and after  
88 December 31, 2005, comply with the emission rate for nitrogen oxides  
89 set forth in subsection (a) of this section unless the Department of  
90 Public Utility Control finds that there exists an imminent threat of a  
91 lack of generation capacity within the state and the Commissioner of  
92 Environmental Protection determines that the facility is in compliance  
93 with said plan, in which case said commissioner may grant an  
94 extension of up to one year in the use of emission trading beyond  
95 December 31, 2005.

96 (e) (1) Between January 1, 2003, and Decembers 31, 2005, and for any  
97 period thereafter during which the use of emission reduction trading  
98 has been extended pursuant to subdivision (3) of this subsection, an  
99 owner or operator of a facility may satisfy the emission rate for sulfur  
100 dioxide set forth in subsection (a) of this section by using emission  
101 reduction trading as described in this subsection. Emission reduction  
102 credits shall be purchased by the owner or operator on a one-to-one  
103 basis through the federal acid rain trading program set forth in 42 USC  
104 7651 et seq. A reduction through the use of trading shall equal the  
105 difference between the actual total emissions of the facility that year  
106 and the emissions that would have occurred if the facility had  
107 generated the same amount of electricity at the emission rate for sulfur  
108 dioxide specified in subsection (a) of this section.

109 (2) In addition to meeting the requirement for emission reduction  
110 trading in subdivision (1) of this subsection, the facility shall achieve  
111 an additional reduction in its total annual emissions for sulfur dioxide,  
112 during the years commencing January 1, 2003, January 1, 2004 and  
113 January 1, 2005, and for any period thereafter during which the use of  
114 emission reduction trading has been extended pursuant to subdivision  
115 (3) of this subsection, equal to thirty per cent of the difference between

116 the facility's total annual emissions during the facility's representative  
117 baseline year and the total emissions that would have occurred if the  
118 facility had generated the same amount of electricity at the emission  
119 rate set forth in subsection (a) of this section. The facility shall achieve  
120 such additional reduction through (A) capacity restrictions, (B) capital  
121 improvements, (C) retirement, (D) fuel switching, (E) operational  
122 changes, or (F) an equivalent reduction from mobile or stationary  
123 sources located within the municipality in which such facility is  
124 located or from mobile or stationary sources within a three-mile radius  
125 of such facility, provided for any reduction through another source,  
126 the owner or operator shall submit data to the Commissioner of  
127 Environmental Protection for analysis and approval by the  
128 commissioner that an actual or equivalent reduction is achieved and  
129 provided further, if a permit is required to achieve such reduction, the  
130 plan required pursuant to subsection (f) of this section shall include the  
131 date for when a permit application will be submitted to the  
132 commissioner. A facility's total annual emissions during its  
133 representative baseline year shall be calculated by multiplying the  
134 facility's actual heat input for the representative baseline year by the  
135 emission rate in effect for that facility as of the effective date of this act.  
136 For purposes of this subdivision, "representative baseline year" means  
137 1998 or a year prior to 1998, if the commissioner determines it was  
138 more representative of the facility's typical operation.

139 (3) A facility that has been approved for using emission reduction  
140 trading for sulfur dioxide pursuant to the plan submitted to the  
141 commissioner under subsection (f) of this section shall, on and after  
142 December 31, 2005, be required to comply with the emission rate for  
143 sulfur dioxide set forth in subsection (a) of this section unless the  
144 Department of Public Utility Control finds that there exists an  
145 imminent threat of a lack of generation capacity within the state and  
146 the Commissioner of Environmental Protection determines that the  
147 facility is in compliance with said plan, in which case said  
148 commissioner may grant an extension of up to one year in the use of  
149 emission trading beyond December 31, 2005.

150 (f) Not later than December 31, 2000, the owner or operator of each  
151 such facility shall submit to the commissioner a detailed plan on how  
152 the owner or operator will achieve the emission reductions set forth in  
153 this section. Such plan shall include whether the owner or operator is  
154 opting to use emission trading pursuant to subsection (d) or (e) of this  
155 section. The commissioner may issue an order to the owner or operator  
156 to implement such plan. Such owner or operator shall comply with  
157 such order issued by the commissioner.

158 (g) The commissioner shall expedite the issuance of any permits  
159 necessary for an owner or operator to carry out the provisions of  
160 subsections (d) or (e) of this section.

161 (h) (1) Not later than April 1, 2003, and annually thereafter, the  
162 owner or operator of a facility described in subsection (a) of this  
163 section shall report to the Commissioner of Environmental Protection  
164 on the emission reductions for nitrogen oxides actually achieved  
165 during the preceding year by any of the methods prescribed in  
166 subsection (d) of this section. Not later than April 1, 2004, and annually  
167 thereafter, the owner or operator of a facility described in subsection  
168 (a) of this section shall report to the Commissioner of Environmental  
169 Protection on the emission reductions for sulfur dioxide actually  
170 achieved during the preceding year by any of the methods prescribed  
171 in subsection (e) of this section.

172 (2) Not later than January 1, 2002, and annually thereafter, the  
173 Department of Public Utility Control shall prepare a report on the  
174 amount of new generation capacity in excess of four megawatts in  
175 Connecticut added to the electric distribution network as well as on  
176 the initiation of construction of any such new electric generation  
177 facilities in Connecticut. Not later than January 1, 2003, and annually  
178 thereafter, said department shall determine whether there exists an  
179 imminent threat of a lack of generation capacity within the state."