



General Assembly

February Session, 2000

Amendment

LCO No. 4412

Offered by:

SEN. DAILY, 33rd Dist.

SEN. PETERS, 20th Dist.

SEN. MCKINNEY, 28th Dist.

SEN. HERLIHY, 8th Dist.

To: House Bill No. 5583

File No. 658

Cal. No. 470

"An Act Minimizing Air Emissions At Power Plants."

1 Strike out everything after the enacting clause and substitute the
2 following 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) generates electricity for wholesale or
7 retail sale through the combustion of fossil fuels shall comply with the
8 following limitations regarding the rate of emission of the following
9 substances: (A) For nitrogen oxides, not more than fifteen one-
10 hundredths pounds per million British thermal units of heat input, and
11 (B) for sulfur dioxide, not more than thirty one-hundredths pounds per
12 million British thermal units of heat input. Such requirements shall be
13 met year-round by such facility.

14 (b) In order to meet the emission rate for nitrogen oxides set forth in

15 subsection (a) of this section, an owner or operator of a facility may use
16 emission reduction trading, provided (1) during the year commencing
17 January 1, 2003, and each succeeding year, a reduction through the use
18 of trading shall equal the difference between the actual total emissions
19 of the facility that year and the emissions that would have occurred if
20 the facility had generated the same amount of electricity at the
21 emission rate for nitrogen oxides specified in subsection (a) of this
22 section, (2) the facility achieves an actual or equivalent additional
23 reduction in its total annual emissions, as of January 1, 2002, for
24 nitrogen oxides equal to twenty per cent and as of January 1, 2003,
25 thirty per cent of the difference between the facility's total annual
26 emissions in 1998, or a prior year if the commissioner determines it
27 was more representative of the facility's typical operation, to be
28 determined by multiplying the facility's actual heat input by the
29 emission rate in effect for that facility as of the effective date of this act,
30 and the total emissions that would have occurred if the facility had
31 generated the same amount of electricity at the emission rate set forth
32 in said subsection (a), through (A) capacity restrictions, (B) capital
33 improvements, (C) retirement, (D) fuel switching, (E) operational
34 changes, or (F) an equivalent reduction from mobile or stationary
35 sources located within the municipality in which such facility is
36 located or from mobile or stationary sources within a five-mile radius
37 of such facility, provided for any reduction through another source,
38 the owner or operator shall submit data to the Commissioner of
39 Environmental Protection for analysis and approval by the
40 commissioner that an actual or equivalent reduction is achieved and
41 provided further, if a permit is required to achieve such reduction, the
42 plan required pursuant to subsection (d) of this section shall include
43 the date for when a permit application will be submitted to the
44 commissioner, and (3) such trading shall be conducted (i) between
45 May first and September thirtieth through the nitrogen oxide budget
46 program established by the commissioner under section 22a-174-22b of
47 the Regulations of Connecticut State Agencies, and (ii) between
48 October first and April thirtieth, through the nitrogen oxide emissions
49 reduction trading program established by the commissioner under

50 section 22a-174-22 of the Regulations of Connecticut State Agencies,
51 provided any credits to meet the emission limitations through said
52 emissions reduction trading program are generated from or allocated
53 to facilities located in Connecticut. The provisions of subparagraph (A)
54 of subsection (a) and this subsection shall not apply on and after the
55 date the state implementation plan to implement the national ambient
56 air quality standard for ozone set forth in the Federal Register of July
57 18, 1997, is approved by the United States Environmental Protection
58 Agency, provided the provisions in such implementation plan are
59 more stringent than those provided for in subparagraph (A) of
60 subsection (a) and this subsection.

61 (c) In order to meet the emission rate for sulfur dioxide set forth in
62 subsection (a) of this section, an owner or operator of a facility may use
63 emission reduction trading under the federal acid rain trading
64 program set forth in 42 USC 7651 et. seq., provided (1) during the year
65 commencing January 1, 2003, and each succeeding year, a reduction
66 through the use of trading shall equal the difference between the actual
67 total emissions of the facility that year and the emissions that would
68 have occurred if the facility had generated the same amount of
69 electricity at the emission rate for sulfur dioxide specified in subsection
70 (a) of this section, and (2) the facility achieves an actual or equivalent
71 additional reduction in its total annual emissions as of January 1, 2003,
72 for sulfur dioxide equal to thirty per cent of the difference between the
73 facility's total annual emissions in 1998, or a prior year if the
74 commissioner determines it was more representative of the facility's
75 typical operation, to be determined by multiplying the facility's actual
76 heat input by the emission rate in effect for that facility as of the
77 effective date of this act, and the total emissions that would have
78 occurred if the facility had generated the same amount of electricity at
79 the emission rate set forth in said subsection (a) through (A) capacity
80 restrictions, (B) capital improvements, (C) retirement, (D) fuel
81 switching, (E) operational changes, or (F) an equivalent reduction from
82 mobile or stationary sources located within the municipality in which
83 such facility is located or from mobile or stationary sources within a

84 five-mile radius of such facility, provided for any reduction through
85 another source, the owner or operator shall submit data to the
86 commissioner for analysis and approval by the commissioner that an
87 actual or equivalent reduction is achieved and provided further, if a
88 permit is required to achieve such reduction, the plan required
89 pursuant to subsection (d) of this section shall include the date for
90 when a permit application will be submitted to the commissioner. The
91 provisions of subparagraph (B) of subsection (a) and this subsection
92 shall not apply on and after the date the state implementation plan to
93 implement the national ambient air quality standard for fine
94 particulates set forth in the Federal Register of July 18, 1997, is
95 approved by the United States Environmental Protection Agency,
96 provided the provisions in such implementation plan are more
97 stringent than those provided for in subparagraph (B) of subsection (a)
98 and this subsection.

99 (d) Not later than December 31, 2000, the owner or operator of each
100 such facility shall submit to the commissioner a detailed plan on how
101 the owner or operator will achieve the emission reductions set forth in
102 this section. The commissioner may issue an order to the owner or
103 operator to implement such plan. Such owner or operator shall comply
104 with such order issued by the commissioner.

105 (e) The commissioner shall expedite the issuance of any permits
106 necessary for an owner or operator to carry out the provisions of
107 subsections (b) or (c) of this section.

108 (f) (1) Not later than April 1, 2003, and annually thereafter, the
109 owner or operator of a facility described in subsection (a) of this
110 section shall report to the Commissioner of Environmental Protection
111 and to the joint standing committees of the General Assembly having
112 cognizance of matters relating to the environment and energy on the
113 emission reductions for nitrogen oxides actually achieved during the
114 preceding year by any of the methods prescribed in subsection (b) of
115 this section. Not later than April 1, 2004, and annually thereafter, the
116 owner or operator of a facility described in subsection (a) of this

117 section shall report to the Commissioner of Environmental Protection
118 and to the joint standing committees of the General Assembly having
119 cognizance of matters relating to the environment and energy on the
120 emission reductions for sulfur dioxide actually achieved during the
121 preceding year by any of the methods prescribed in subsection (c) of
122 this section.

123 (2) Not later than January 1, 2002, and annually thereafter, the
124 Department of Public Utility Control shall report to the joint standing
125 committee of the General Assembly having cognizance of matters
126 relating to the environment and energy on the amount of new
127 generation capacity in excess of four megawatts in Connecticut added
128 to the electric distribution network as well as on the initiation of
129 construction of any such new electric generation facilities in
130 Connecticut."