



General Assembly

Amendment

February Session, 2000

LCO No. 4008

Offered by:

REP. CARUSO, 126th 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 or delays in obtaining a permit pursuant to section

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

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

31 (d) (1) Between January 1, 2003, and January 1, 2005, an owner or
32 operator of a facility may satisfy the emission rate for nitrogen oxides
33 set forth in subsection (a) of this section by using emission reduction
34 trading as described in this subsection. Emission reduction credits
35 shall be purchased by the owner or operator on a one-to-one basis
36 through the nitrogen oxide budget program established by the
37 commissioner under 22a-174-22b of the Regulations of Connecticut
38 State Agencies for the period of May first and September thirtieth and
39 through the nitrogen oxide emissions reduction trading program
40 established by the commissioner under 22a-174-22 of the Regulations
41 of Connecticut State Agencies for the period of October first and April
42 thirtieth, provided any credits to meet the emission limitations through
43 said emissions reduction trading program are generated from or
44 allocated to facilities located in Connecticut. A reduction through the
45 use of trading shall equal the difference between the actual total
46 emissions of the facility that year and the emissions that would have
47 occurred if the facility had generated the same amount of electricity at
48 the emission rate for nitrogen oxides specified in subsection (a) of this
49 section.

50 (2) In addition to meeting the requirement for emission reduction
51 trading in subdivision (1) of this subsection, the facility shall achieve
52 an additional reduction in its total annual emissions for nitrogen
53 oxides as follows: (A) During the year commencing January 1, 2002,
54 twenty per cent of the difference between the facility's total annual
55 emissions during the facility's representative baseline year and the
56 total emissions that would have occurred if the facility had generated
57 the same amount of electricity at the emission rate set forth in
58 subsection (a) of this section, and (B) during the years commencing
59 January 1, 2003, and January 1, 2004, thirty per cent of such difference.
60 The facility shall achieve such additional reduction through (i) capacity
61 restrictions, (ii) capital improvements, (iii) retirement, (iv) fuel
62 switching, or (v) operational changes. A facility's total annual
63 emissions during its representative baseline year shall be calculated by
64 multiplying the facility's actual heat input for the representative
65 baseline year by the emission rate in effect for that facility as of the
66 effective date of this act. For purposes of this subdivision,
67 "representative baseline year" means 1998 or a year prior to 1998, if the
68 commissioner determines it was more representative of the facility's
69 typical operation.

70 (3) A facility that has been approved for using emission trading for
71 nitrogen oxides pursuant to the plan submitted to the commissioner
72 under subsection (f) of this section shall not be required to comply
73 with the emission rate for nitrogen oxides set forth in subparagraph
74 (A) of subsection (a) of this section until January 1, 2005.

75 (e) (1) Between January 1, 2003, and January 1, 2005, an owner or
76 operator of a facility may satisfy the emission rate for sulfur dioxide set
77 forth in subsection (a) of this section by using emission reduction
78 trading as described in this subsection. Emission reduction credits
79 shall be purchased by the owner or operator on a one-to-one basis
80 through the federal acid rain trading program set forth in 42 USC 7651
81 et seq. A reduction through the use of trading shall equal the
82 difference between the actual total emissions of the facility that year
83 and the emissions that would have occurred if the facility had

84 generated the same amount of electricity at the emission rate for sulfur
85 dioxide specified in subsection (a) of this section.

86 (2) In addition to meeting the requirement for emission reduction
87 trading in subdivision (1) of this subsection, the facility shall achieve
88 an additional reduction in its total annual emissions for sulfur dioxide,
89 during the years commencing January 1, 2003, and January 1, 2004,
90 equal to thirty per cent of the difference between the facility's total
91 annual emissions during the facility's representative baseline year and
92 the total emissions that would have occurred if the facility had
93 generated the same amount of electricity at the emission rate set forth
94 in subsection (a) of this section. The facility shall achieve such
95 additional reduction through (A) capacity restrictions, (B) capital
96 improvements, (C) retirement, (D) fuel switching, or (E) operational
97 changes. A facility's total annual emissions during its representative
98 baseline year shall be calculated by multiplying the facility's actual
99 heat input for the representative baseline year by the emission rate in
100 effect for that facility as of the effective date of this act. For purposes of
101 this subdivision, "representative baseline year" means 1998 or a year
102 prior to 1998, if the commissioner determines it was more
103 representative of the facility's typical operation.

104 (3) A facility that has been approved for using emission trading for
105 sulfur dioxide pursuant to the plan submitted to the commissioner
106 under subsection (f) of this section shall not be required to comply
107 with the emission rate for sulfur dioxide set forth in subparagraph (B)
108 of subsection (a) of this section until January 1, 2005.

109 (f) Not later than December 31, 2000, the owner or operator of each
110 such facility shall submit to the commissioner a detailed plan on how
111 the owner or operator will achieve the emission reductions set forth in
112 this section. Such plan shall include whether the owner or operator is
113 opting to use emission trading pursuant to subsection (d) or (e) of this
114 section. The commissioner may issue an order to the owner or operator
115 to implement such plan. Such owner or operator shall comply with
116 such order issued by the commissioner.

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

120 (h) (1) Not later than April 1, 2003, and annually thereafter, the
121 owner or operator of a facility described in subsection (a) of this
122 section shall report to the Commissioner of Environmental Protection
123 on the emission reductions for nitrogen oxides actually achieved
124 during the preceding year by any of the methods prescribed in
125 subsection (d) of this section. Not later than April 1, 2004, and annually
126 thereafter, the owner or operator of a facility described in subsection
127 (a) of this section shall report to the Commissioner of Environmental
128 Protection on the emission reductions for sulfur dioxide actually
129 achieved during the preceding year by any of the methods prescribed
130 in subsection (e) of this section.

131 (2) Not later than January 1, 2002, and annually thereafter, the
132 Department of Public Utility Control shall prepare a report on the
133 amount of new generation capacity in excess of four megawatts in
134 Connecticut added to the electric distribution network as well as on
135 the initiation of construction of any such new electric generation
136 facilities in Connecticut."