



General Assembly

February Session, 2000

Amendment

LCO No. 4956

Offered by:

REP. O'ROURKE, 32nd Dist.

To: Subst. Senate Bill No. 383

File No. 288

Cal. No. 525

"An Act Concerning Solid Waste Management."

1 After line 93, insert the following and renumber the remaining
2 section accordingly:

3 "Sec. 5. (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) The owner or operator of a facility may request of the
15 Commissioner of Environmental Protection a one-year extension to
16 comply with the requirements of subsection (a) of this section due to

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

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

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

51 reduction trading program are generated from or allocated to facilities
52 located in Connecticut. A reduction through the use of trading shall
53 equal the difference between the actual total emissions of the facility
54 that year and the emissions that would have occurred if the facility had
55 generated the same amount of electricity at the emission rate for
56 nitrogen oxides specified in subsection (a) of this section.

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

85 facility as of the effective date of this act. For purposes of this
86 subdivision, "representative baseline year" means 1998 or a year prior
87 to 1998, if the commissioner determines it was more representative of
88 the facility's typical operation.

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

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

113 (2) In addition to meeting the requirement for emission reduction
114 trading in subdivision (1) of this subsection, the facility shall achieve
115 an additional reduction in its total annual emissions for sulfur dioxide,
116 during the years commencing January 1, 2003, January 1, 2004, and
117 January 1, 2005, and for any period thereafter during which the use of

118 emission reduction trading has been extended pursuant to subdivision
119 (3) of this subsection, equal to thirty per cent of the difference between
120 the facility's total annual emissions during the facility's representative
121 baseline year and the total emissions that would have occurred if the
122 facility had generated the same amount of electricity at the emission
123 rate set forth in subsection (a) of this section. The facility shall achieve
124 such additional reduction through (A) capacity restrictions, (B) capital
125 improvements, (C) retirement, (D) fuel switching, (E) operational
126 changes, or (F) an equivalent reduction from mobile or stationary
127 sources located within the municipality in which such facility is
128 located or from mobile or stationary sources within a three-mile radius
129 of such facility, provided for any reduction through another source,
130 the owner or operator shall submit data to the Commissioner of
131 Environmental Protection for analysis and approval by the
132 commissioner that an actual or equivalent reduction is achieved and
133 provided further, if a permit is required to achieve such reduction, the
134 plan required pursuant to subsection (f) of this section shall include the
135 date for when a permit application will be submitted to the
136 commissioner. A facility's total annual emissions during its
137 representative baseline year shall be calculated by multiplying the
138 facility's actual heat input for the representative baseline year by the
139 emission rate in effect for that facility as of the effective date of this act.
140 For purposes of this subdivision, "representative baseline year" means
141 1998 or a year prior to 1998, if the commissioner determines it was
142 more representative of the facility's typical operation.

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

152 commissioner may grant an extension of up to one year in the use of
153 emission trading beyond December 31, 2005.

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

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

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

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