

ADMINISTRATIVE REGULATIONS

Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.

A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated September 27, 2011.

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Notice of Intent to Amend the State Air Quality Regulations and to Revise the State Implementation Plan for Air Quality

The Commissioner of the Department of Energy and Environmental Protection (DEEP) hereby gives notice of a public hearing as part of a proceeding to revise and repeal state regulations concerning the abatement of air pollution. Upon adoption, some of the regulatory changes will be submitted to the U.S. Environmental Protection Agency as a revision to the State Implementation Plan for air quality to satisfy specific obligations under the Clean Air Act (CAA). The proposed regulatory changes are grouped into four topics, as follows:

(1) Repeal of non-core air quality programs. DEEP recognizes the need to eliminate three air management regulatory programs that are no longer necessary to its core mission. DEEP proposes to repeal the following sections of the Regulations of Connecticut State Agencies (RCSA):

- 22a-174-17, control of open burning;
- 22a-174-43, portable fuel container spillage control; and
- 22a-174-100, permits for construction of indirect sources.

RCSA section 22a-174-26(c)(3) and (4), concerning fees, is also revised to delete references to RCSA sections 22a-174-17 and 22a-174-100.

(2) Fine particulate matter criteria for air permits. RCSA sections 22a-174-1 and 22a-174-3a are revised to include significant impact levels, significant emissions rates and increments for fine particulate matter, or PM_{2.5}, consistent with U.S. Environmental Protection Agency (EPA) rules promulgated in 2008 (73 FR 28321) and 2010 (75 FR 64864-64907).

(3) Exemption from Stage II vapor controls for certain vehicle fleets: reporting requirements. RCSA section 22a-174-30 is revised to include an exemption from the requirement to install Stage II vapor recovery systems. The exemption would apply to gasoline dispensing facilities that exclusively service rental vehicles. The exemption is consistent with EPA's December 12, 2006 determination on widespread use of onboard refueling vapor recovery under CAA section 202(a)(6). For facilities that are not exempt, reporting requirements for routine Stage II testing are clarified.

(4) Compliance options for vehicle manufacturers under DEEP's low emission vehicle program. RCSA section 22a-174-36b is revised to add compliance flexibility

for large vehicle manufacturers consistent with CAA section 177 and section 22a-174g of the Connecticut General Statutes (CGS).

All interested persons are invited to comment on the proposal. Comments should be submitted no later than 5:00 PM on 9 November 2011 to Merrily A. Gere, DEEP, Bureau of Air Management, Engineering & Enforcement, 79 Elm Street, Hartford, Connecticut 06106-5127. Comments may be submitted by post, facsimile to (860) 424-4064 or by electronic mail to merrily.gere@ct.gov.

In addition to accepting written comments, DEEP will also hold the public hearing described below. Any person giving oral comment at the hearing will be asked to submit a written copy of such comments.

PUBLIC HEARING
9 November 2011 at 10 AM
DEEP, 5th Floor, Holcombe Room
79 Elm Street, Hartford, CT

Copies of the proposal described above, the regulatory flexibility analysis, and a statement required by CGS section 22a-6(h) are available for public inspection during normal business hours from Sharon Rowe-Johnson at the Bureau of Air Management, Engineering & Enforcement, 5th Floor, 79 Elm Street, Hartford, CT. The same documents are posted on DEEP's website at the following location: http://www.ct.gov/dep/cwp/view.asp?a=2684&q=331220&depNav_GID=1619 For further information, contact Merrily A. Gere of the Bureau of Air Management at (860) 424-4152 or by electronic mail to merrily.gere@ct.gov.

DEEP is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DEEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency's programs and services, should call 860-424-3035 or e-mail the ADA Coordinator, at DEP.aaoffice@ct.gov. Persons who are hearing impaired should call the State of Connecticut relay number 711. Requests for accommodations must be made at least two weeks prior to the program date.

The authority to adopt the proposal is granted by CGS sections 22a-6 and 22a-174. This notice is required pursuant to CGS sections 22a-6 and 4-168 and 40 Code of Federal Regulations 51.102.

Daniel C. Esty
Commissioner
