



May 3, 2013

Senator Andres Ayala  
Representative Selim G. Noujaim  
Legislative Regulation Review Committee  
State Capitol, Room 011  
Hartford, CT 06106

**Re: *Resubmission of an Air Quality Proposal to Revise the Nitrogen Oxides Control Program;  
LRRC No. 2013-4a***

Dear Senator Ayala and Representative Noujaim:

Pursuant to section 4-170 of the Connecticut General Statutes, I resubmit for your consideration and approval the enclosed proposal to make minor revisions to the Department of Energy and Environmental Protection's (DEEP's) nitrogen oxides control program.

This resubmission includes all of the technical revisions recommended in the Legislative Commissioners' Office (LCO) report. The LCO report also included a single substantive concern about the use of the word "currently" in one subdivision of the proposed amendment. DEEP addressed this concern by removing the word "currently" as such a deletion does not change the interpretation or intent of the proposed subdivision. An explanation of the revisions made to the proposal in response to the concerns in the LCO report is set out in the table following this letter.

If there are any general questions regarding this submission, please contact Robert LaFrance, DEEP's Legislative Liaison, at 860-424-3401 (office) or 860-622-1797 (cell). If you have any substantive or rule drafting questions, please contact Jaimeson A. Sinclair of the Bureau of Air Management at 860-424-3408. Thank you for your assistance with this matter.

Sincerely,

/s/Daniel C. Esty  
Commissioner

cc: Robert LaFrance, DEEP

Responses to the Legislative Commissioners' Office (LCO) Report on LRRC No. 2013-4

<i>LCO Comment</i>	<i>Action Taken in Response</i>
<b>Substantive Concerns</b>	
1. On page 5, in section 22a-174-22(m)(1)(C), the use of the term " <u>currently</u> " is unclear. It is not known whether the use of this term is intended to refer to the effective date of the regulation or some other date.	The word "currently" has been removed from the paragraph. A time reference is not necessary to the requirement.
<b>Technical Corrections</b>	
1. On page 2, in section 22a-174-22(b)(2)(B), the new language in the first and second lines should be inserted after "[On]", for proper form.	The recommended revision has been made.
2. On page 2, in section 22a-174-22(b)(2)(B), in the ninth line, " <u>subdivision (c)(2) of this section</u> " should be " <u>subdivision (2) of subsection (c) of this section</u> ", for proper form.	The recommended revision has been made.
3. On page 2, in section 22a-174-22(b)(3), in the second line, the open bracket should be inserted before the period and in the fourth line, " <u>However</u> " should be " <u>provided</u> ", for proper form and clarity.	The recommended revisions have been made.
4. On page 3, in section 22a-174-22(c)(2), the subparagraph designators (A) to (D), inclusive, should be underlined.	The recommended revision has been made.
5. On page 3, in section 22a-174-22(c)(2)(D), in the second line, " <u>State</u> " should be " <u>state</u> ", for proper form.	The recommended revision has been made.
6. On page 3, in section 22a-174-22(c)(3), in the fourth line, " <u>an owner or operator who</u> " should be inserted after " <u>or</u> ", for clarity.	The recommended revision has been made.
7. On page 4, in section 22a-174-22(l), in the introductory language, "Subdivisions (6) through (8)" should be "Subdivisions (6) and (7)", for proper form and accuracy.	The recommended revision has been made.
8. On page 4, in section 22a-174-22(l)(6), in the second line, " <u>subsection</u> " should be inserted before " <u>(k)</u> ", in the sixth line, " <u>and (l)</u> " should be deleted and " <u>and the provisions of this subsection</u> " should be inserted after " <u>section</u> ", in the seventh line " <u>it</u> " should be " <u>such source</u> " and in the eighth line, " <u>subsection (c)(2) of this section</u> " should be " <u>subdivision (2) of subsection (c) of this section</u> ", for clarity and proper form.	The recommended revisions have been made.
9. On page 4, in section 22a-174-22(l)(7), in the first line, " <u>or other date</u> " should be " <u>or any other date</u> ", for clarity.	The recommended revision has been made.
10. On page 4, in section 22a-174-22(m), in the introductory language, "Subdivisions (1) through (5)" should be "Subdivisions (1) to (4), inclusive," for proper form and accuracy.	The recommended revision has been made.
11. On page 5, in section 22a-174-22(m)(5), in the third line, " <u>commissioner requests such plan in writing</u> " should be " <u>commissioner, in writing, requests such plan</u> ", for clarity.	The recommended revision has been made.