

January 3, 2014

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

**Re: *Resubmission of LRRC No. 2013-37a;  
Emissions Control Requirements for Volatile Organic Compound Storage and Transfer  
Facilities***

Dear Senator Ayala and Representative Noujaim:

Pursuant to section 4-170 of the Connecticut General Statutes, I resubmit for your consideration and approval a proposal to update the control of air emissions from storage and transfer of volatile organic compounds (VOCs). The proposal updates Connecticut's air regulations to reflect current industry practices and federal air quality requirements. Because most owners and operators of large aboveground storage tanks and other regulated VOC storage operations now employ most of the requirements of the proposal as a means to limit product loss, this proposal is unlikely to require significant actions by regulated industries or impose significant costs.

Although the proposal is not expected to create a significant air quality improvement, it is important to satisfy a federal Clean Air Act mandate to review VOC requirements periodically to ensure that our regulations conform to current air quality control standards and good industry practices.

This resubmission addresses all of the concerns raised in the Legislative Commissioners' Office (LCO) report concerning the first submission of this proposal. A table attached to this letter identifies and explains the changes made to the proposal in response to the LCO report.

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 Merrily A. Gere of the Bureau of Air Management at 860-424-3416. Thank you for your assistance with this matter.

Sincerely,

/s/Daniel C. Esty  
Commissioner

cc: Robert LaFrance, DEEP

LCO Comment	Action Taken in Response
<b>Substantive Concern</b>	
<p>On page 6, in section 22a-174-20(a)(4)(C), the regulation requires the performance of an inspection in accordance with the provisions of subdivision (3) of this subsection immediately after all required repairs are complete. However, subdivision (3) of the subsection provides for two types of inspections; one type is of the roof deck, deck fittings and rim seal, and one type is conducted within the tank. Accordingly, it is unclear which of these inspections is required to be performed immediately after all required repairs are complete or if both of these types of inspections are required immediately after all required repairs are complete. Moreover, the types of inspections that are required by subdivision (3) of the subsection are not inspections that occur "immediately". Rather, as set forth in subdivision (3), such inspections are required to occur monthly and not less than once every ten years, respectively. If the intent is to require one or both of these types of inspections to occur immediately after all required repairs are complete, rather than in accordance with the timeframes set forth in subdivision (3), the language should be clarified to so indicate.</p>	<p>The second sentence of section 22a-174-20(a)(4)(C) is unnecessary and has been removed:</p> <p>(C) Any evidence of leakage as described in this subsection shall also be treated as a malfunction of control equipment as described in section 22a-174-7 of the Regulations of Connecticut State Agencies. <del>An inspection in accordance with the provisions of subdivision (3) of this subsection shall be performed immediately after all required repairs are complete.</del></p>
<b>Technical Corrections</b>	
<p>1. On page 4, in section 22a-174-20(a)(2)(C), clauses (iii) and (iv) should be combined and "<u>or (iv) Once per month</u>" should be "<u>, or, once per month,</u>", for accuracy.</p>	<p>DEEP intended that any owner or operator complies with the requirements of subsection (a)(2) via subdivision (2)(C) meet all the criteria in clauses (i) through (iv). Therefore, the <u>and</u> at the end of clause (ii) should be deleted and the <u>or</u> at the end of clause (iii) should be replaced with <u>and</u> as follows:</p> <p>(ii) <u>Maintain the fixed roof in a leak-free condition with no holes, tears or uncovered openings, and</u></p> <p>(iii) <u>Install and maintain each roof opening in a leak-free condition at all times except when the cover is open for access or when a vent is required to be open to relieve excess pressure or vacuum in accordance with the</u></p>

	<p><u>manufacturer's design, <del>or</del> and</u></p> <p>(iv) <u>Once per month, demonstrate compliance with this subsection by inspecting the fittings located on the roof, piping, pressure relief valves and all other valves to ensure they are leak-free using EPA Method 21 or using another method approved by the commissioner and the Administrator; or</u></p>
<p>2. On page 5, in section 22a-174-20(a)(3), "<u>limiting vapor loss according to</u>" should be "<u>limiting vapor loss in accordance with</u>", for clarity.</p>	<p>The recommended revision has been made.</p>
<p>3. On page 6, in section 22a-174-20(a)(3)(B)(ii), "<u>it</u>" should be "<u>such gasket, seal or wiper</u>", for clarity.</p>	<p>The recommended revision has been made.</p>
<p>4. On page 6, in section 22a-174-20(a)(4)(B), in the fourth line, "<u>within 45 days,</u>" should be "<u>within such 45 day period</u>" and in the fifth line "<u>the 45-day period</u>" should be "<u>such 45 day period</u>", for clarity and consistency.</p>	<p>The recommended revision has been made.</p>
<p>5. On page 6, in section 22a-174-20 (a)(4)(C), in the fourth line, "<u>provisions of this subdivision (3) if this subsection</u>" should be "<u>provisions of subdivision (3) of this subsection</u>", for accuracy.</p>	<p>This sentence has been removed as described in relation to the substantive concern.</p>
<p>6. On page 7, in section 22a-174-20(a)(9)(A), the semi-colon should be a period, for proper form.</p>	<p>The recommended revision has been made.</p>
<p>7. On page 8, in section 22a-174-20(a)(9)(B)(v), "<u>and</u>" should be inserted after "<u>completed,</u>", for proper form.</p>	<p>The recommended revision has been made.</p>
<p>8. On page 8, in section 22a-174-20(a)(9)(B)(vi), "<u>completed; and</u>" should be "<u>completed,</u>", for proper form.</p>	<p>The recommended revision has been made.</p>
<p>9. On page 13, in section 5 of the regulation, the introductory language should read as follows, for proper form: "<b>Sec. 5. Subdivision (12) of subsection (x) of section 22a-174-20 of the Regulations of Connecticut State Agencies is amended to read as follows:</b></p>	<p>The recommended revision has been made.</p>