



COMMISSIONER'S CERTIFICATION

I, Robert J. Klee, Commissioner of the Department of Energy and Environmental Protection (DEEP), make the following certifications with respect to the proposal to amend air quality regulation concerning municipal waste combustors:

1. In compliance with Conn. Gen. Stat. § 4-168(a)(1), on January 20, 2016, DEEP gave notice by posting a notice on the eRegulations System of its intention to adopt an amendment to a regulation concerning municipal waste combustors. The notice that included the information required in said statute.
2. In compliance with Conn. Gen. Stat. § 4-168(a)(2), DEEP on January 20, 2016 posted a copy of the proposed amendment on the eRegulations System.
3. In compliance with Conn. Gen. Stat. § 4-168(a)(3), DEEP on January 21, 2016 gave notice electronically to each joint standing committee of the General Assembly having cognizance of the subject matter of the proposed regulation.
4. In compliance with Conn. Gen. Stat. § 4-168(a)(4), the DEEP on January 21, 2016 gave notice electronically or provided paper copies to all persons who made requests for advance notice of its regulation-making proceedings, via DEEP's eAlert system. The eAlert system currently includes about 2,500 electronic mail addresses to which a notification is sent when a new regulatory proposal is noticed on the DEEP website.
5. In compliance with Conn. Gen. Stat. § 4-168(a)(5), DEEP received no requests for a paper copy or electronic version of the proposed regulation.
6. In compliance with Conn. Gen. Stat. § 4-168(a)(6), DEEP prepared a fiscal note, including an estimate of the cost or of the revenue impact of the proposed regulations (A) on the state or any municipality of the state, and (B) on small businesses in the state, including an estimate of the number of small businesses subject to the proposed regulation and the projected costs, including but not limited to, reporting, recordkeeping and administrative, associated with compliance with the proposed regulation and, if applicable, the regulatory flexibility analysis prepared under Conn. Gen. Stat. § 4-168a.
7. All interested persons were given reasonable opportunities to submit data, views or arguments, orally at a hearing if granted under Conn. Gen. Stat. § 4-168(b) or in writing, concerning the proposed regulations and to inspect and copy or view online and print the fiscal note referred to in paragraph (6) above.
8. On February 24, 2016, the DEEP held a public hearing on its own initiative pursuant to Conn. Gen. Stat. § 4-168(b).
9. DEEP considered fully all written and oral submissions respecting the proposed regulation and has prepared a comment-and-response document regarding that consideration.
10. DEEP revised the fiscal note to indicate changes made in the proposed regulation and posted the revised note on the eRegulations System.
11. In compliance with Conn. Gen. Stat. § 4-168(e), on April 6, 2016, DEEP posted on the eRegulations System notice that it decided to take action on the proposed regulation and has provided such notice electronically to all persons who submitted oral or written comments concerning the regulation and has provided a paper copy of such notice to all persons who submitted comments in a non-electronic format. DEEP has also posted on the eRegulations System: (1) The final wording of the proposed regulation; (2) a statement of the principal reasons in support of its intended action; and (3) a statement of the principal considerations in opposition to its intended action as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations. The statements referred to in (2) and (3) are included in the comment-and-response document.

Robert J. Klee,
Commissioner

4/15/16

Date



April 18, 2016

VIA eREGULATIONS SYSTEM

The Honorable George Jepsen
Attorney General
55 Elm Street
Hartford, Connecticut 06106

***Re: Legal Sufficiency Review of Proposed Amendment of the Air Quality Regulations
Concerning Municipal Waste Combustors (MWCs): PR2015-192***

Dear Attorney General Jepsen:

Pursuant to Section 4-169 of the Connecticut General Statutes (CGS), I submit for your consideration and approval a proposal to amend the air quality regulations concerning MWCs.

As evidenced by the documents associated with the tracking number PR2015-102, this amendment has been processed in accordance with the notice and hearing provisions of CGS Section 4-168.

DEEP is proposing changes to Section 22a-174-38 of the Regulations of Connecticut State Agencies. The proposal is one of DEEP's initiatives intended to reduce nitrogen oxides (NOx) emissions from major stationary sources to satisfy a mandate of the federal Clean Air Act. The NOx emissions reductions expected from this proposal improve Connecticut's air quality, helping our state to attain and maintain the national ambient air quality standards for ozone.

If you have any questions regarding this submittal, please contact Paula Gomez of the Bureau of Air Management by electronic mail to Paula.Gomez@ct.gov or at 860-424-3088. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Klee".

Robert J. Klee
Commissioner



VIA ELECTRONIC MAIL

May 20, 2015

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Re: *NOx Reasonably Available Control Technology (RACT) for Municipal Waste Combustors (MWCs)*

Dear Ms. Wagner, Ms. Philippi and Mr. Welz:

DEEP is proposing an amendment to Section 22a-174-38 of the Regulations of Connecticut State Agencies (RCSA) to add three new requirements:

- A more stringent NOx emission limit for mass burn waterwall municipal MWCs. The lower NOx limit is necessary to comply with an ozone nonattainment requirement of the U.S Environmental Protection Agency (EPA) under which DEEP must certify that major sources of NOx emissions in the state, such as the MWCs, are held to standards consistent with the use of reasonably available control technology (RACT).

- A new ammonia emission limit of 20 ppmvd @ 7%O₂ on units controlled by selective non-catalytic reduction (SNCR) systems. The new ammonia emission limit is necessary because of the potential increase in ammonia emissions that may result from the use of the SNCR system to meet the more stringent NO_x emission limit.
- A requirement to demonstrate compliance with the new ammonia emission limit by either continuous emission monitoring (CEM) or annual stack testing.

A draft of the proposal, a fiscal note, and small business impact statement are enclosed for your review and approval. No fiscal impact on the state is anticipated to result from this proposal. DEEP will implement the proposal with no change in existing staff and other resources.

If you have any questions, please contact Paula Gomez at (860) 424-3088, or DEEP's legislative liaison, Robert LaFrance, at (860) 424-3401. Thank you for your attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert J. Klee', with a long horizontal flourish extending to the right.

Robert J. Klee
Commissioner

cc: Robert LaFrance