

## **Informal Comment and Response on Draft RCSA Section 22a-174-22f (December 2015 version)**

Two entities commented on draft RCSA section 22a-174-22f, University of Connecticut (UCONN) and EPA Region 1. The comments are set out below along with the Department's response and an identification of changes, if any, made to the December 2015 draft. The resulting draft is identified as the January 2016 draft and is the version of the proposed section that will be provided to the Governor's Office and OPM for review prior to public notice and the official comment period.

UCONN Comment 1: In subsection (e)(2), "source" should be "emission unit."

**Response:** The recommended revision should be made. One of the purposes of developing RCSA sections 22a-174-22e and 22a-174-22f is to clear up the confusion caused by the use of the word "source" to mean both "emission unit" and "facility" in current RCSA section 22a-174-22.

UCONN Comment 2: I would suggest adding a definition for "High daily NOx emitting units" in the Definitions subsection. Is this still emission units with PTE of 274 lbs/day in serious non-attainment areas and 137 lbs/day in severe non-attainment areas?

**Response:** The term is only used descriptively in the title. Since the term is not used in the regulatory text, there is no reason for a definition. If we were to define the term, it would mean the 137/274 lb NOx/day emitters.

UCONN Comment 3: In the Applicability subsection, using maximum rated capacity may pull in additional units that were not subject to the NOx regulations when applicability was based on 274/137 lbs/day PTE. Is that DEEP's intent? Assuming the definition of "High daily NOx emitting unit" is still based on 274/137 lbs/day PTE, using maximum rated capacity might result in including emission units that would not be considered high daily NOx emitting units. Please clarify the intent of using maximum rated capacity vs. lbs/day PTE.

**Response:** The maximum rated capacity thresholds in the applicability are designed to eliminate emission units that could not emit NOx at levels above the 137/274 pound per day thresholds based on AP-42 emission factors and several other assumptions set out in the technical support document. The technical support document will be released in the near future.

UCONN Comment 4: The provision that Affected Units located at non-major sources of NOx are subject to Section 22e would fit better in subsection (b) Applicability item (6).

**Response:** We disagree. The applicability statement for affected units located at non-major sources of NOx is clear. The requirements that apply to such units do not belong in the applicability section. For affected units, the result is that all affected units, regardless of whether such units are located at a facility that is major or not major for NOx, shall comply with the emission limits set out in RCSA section 22a-174-22e (or use the available compliance options). Limiting emissions from such emission units is important to address the contribution by these units to ozone nonattainment on high electric demand days.

UCONN Comment 5: In the Recordkeeping subsection, is keeping track of daily NOx emissions between May 1 and September 30th needed for emergency engines since the daily NOx emissions thresholds only apply to emission units that are not emergency engines in accordance with subsection (e)?

**Response:** The commenter is correct to question the recordkeeping requirements for emergency engines. Subsection (g) is rewritten to have separate recordkeeping requirements specific to emergency engines in new subdivision (3).

UCONN Comment 6: "Digester gas" and "landfill gas" are noted in the definition for "gas" or "gas fuel" so should include these definitions as well.

Response: We disagree. The definitions of "Digester gas" and "landfill gas" appear in RCSA section 22a-174-22e. The terms "Digester gas" and "landfill gas" do not appear anywhere in RCSA section 22a-174-22f other than in the definition of "Gas" or "gaseous fuel."

UCONN Comment 7: The definitions of "Combined heat and power" and "Reciprocating engine" should be revised to be consistent with RCSA section 22a-174-22e.

Response: The definitions of "Combined heat and power" and "Reciprocating engine" have been revised to be consistent with RCSA section 22a-174-22e, but the commenter should note that the definitions of "Combined heat and power" and "Reciprocating engine" in RCSA section 22a-174-22e have been slightly revised since the draft of RCSA section 22a-174-22f was distributed.

EPA Comment 1: Connecticut is considering a one-time notification requirement for non-emergency engines. We encourage Connecticut to include this requirement within 22a-174-22f as it will provide information that will be helpful in analyzing the impact that such small source could have, collectively, on ozone levels.

Response: The Department chose not to pursue the adoption of the one-time notification of operation requirement because the applicability thresholds based on the maximum rated capacity result in most of the regulated emission units being known to us through permitting. However, we agree that such a notification requirement may be an important addition to certain existing regulations and may be useful in other yet-to-be adopted programs.

EPA Comment 2: The second and third sentences of subsection (e)(4) may be unnecessary.

Response: We believe those two sentences are necessary to define the timing requirements for existing and new emission units.

EPA Comment 3: Add language to the concluding sentence of the statement of purpose to explain how section 22a-174-22f satisfies EPA's anti-backsliding requirements.

Response: Language is added as recommended by EPA.

EPA Comment 4: In the definition of "emergency engine" in section 22a-174-22e, we do not understand subparagraph (C). Why is this included given that scheduled maintenance is not unique to just emergency engines?

Response: The definition of "emergency engine" currently allows for an emergency engine or turbine to operate during periods of scheduled maintenance. We find EPA's comment to be confusing since the purposes for which an emergency engine is allowed to operate are not limited only to emergencies, and the definition needs to clearly state what types of non-emergency operations are allowed for an engine or turbine that the owner intends to operate only as an "emergency engine."