

Regulation of the
**Department of Energy and Environmental
Protection**

Concerning
**Control of Sulfur Compound Emissions;
Control of Sulfur Dioxide Emissions from
Power Plants and Other Large Stationary
Sources of Air Pollution; Methods for
Sampling, Emission Testing, Sample Analysis
and Reporting; Sulfur Content Limitations
for Stationary Sources**

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

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April 15, 2014

Effective Date
April 15, 2014

Approved by the Attorney General on
January 6, 2014

Approved by the Legislative Regulation Review
Committee on
March 25, 2014

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Electronic Copy Certification Statement

I, **Robert J. Klee, Commissioner**, of the **Department of Energy and Environmental Protection**, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, **do hereby certify:**

That the electronic copy of a regulation and amendments concerning **Fuel Sulfur Content Limitations for Stationary Sources**, which was approved with technical corrections & deletions by the Legislative Regulation Review Committee on **March 25, 2014**, and which shall be submitted electronically for filing to the Secretary of the State by **Wendy Jacobs** of this agency on **or before April 7, 2014**, is a true and accurate copy of the original regulation and amendments approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*. The technical corrections & deletions identified in the Legislative Commissioners' Office report are reflected in the final regulation and amendments.

In testimony whereof, I have hereunto set my
hand on April 4, 2014.

A handwritten signature in black ink, appearing to read "Robert J. Klee", written over a horizontal line.

Robert J. Klee, Commissioner

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Energy and Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION:

**Amendment of Section 22a-174-19 of the
Regulations of Connecticut State Agencies (RCSA)
Control of Sulfur Compound Emissions
Amendment of Section 22a-174-19a of the RCSA
Control of Sulfur Dioxide Emissions from Power Plants and Other Large
Stationary Sources of Air Pollution
Amendment of Sections 22a-174-5(a) and 22a-174-5(b)(1) of the RCSA
Methods for sampling, emission testing, sample analysis and reporting
Adoption of Section 22a-174-19b of the RCSA
Sulfur Content Limitations for Stationary Sources**

Section 1. Section 22a-174-19 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) [Fuel combustion. (a)(1) Definitions. As used in subsections (a) through (f) inclusive:

“Combustible” means the heat-producing constituents of a fuel.

“Combustion” means the rapid chemical combination of oxygen with the combustible element of a fuel resulting in the production of heat.

“Fuel” means a substance containing combustibles used for producing heat, light, power or energy.

“Fuel merchant” means any person who offers for sale or sells, transfers, or provides in retail or wholesale trade, fuel, including agents, brokers, wholesalers, distributors, or producers who sell commercial or noncommercial fuel.

“Fuel user” means any person who stores or utilizes commercial or non-commercial fuel for the purpose of creating by combustion heat, light, power, or energy.

“Gross heat input” means the total energy requirement for a premise for twelve (12) consecutive months.

“Heat input” means the actual firing rate of the fuel burning equipment.

“Premise” means the grouping of all air pollutant emitting activities or sources at any one location and owned or under the control of the same person or persons.

“Stack” or “chimney” means a flue, conduit or opening permitting particulate or gaseous emission into the open air, or constructed or arranged for such purpose.

“Sulfur dioxide (SO₂)” means a colorless gas at standard conditions which has the molecular formula SO₂.

“Sulfur oxides (SO_x)” means any compound made up only of sulfur and oxygen which for the purpose of this regulation will be calculated as sulfur dioxide (SO₂).

(a)(2) Fuel users

(a)(2)(i) No person, except as provided in subparagraphs (a)(2)(ii), (a)(3)(i) and (a)(3)(ii), shall use or burn fuel which contains sulfur in excess of a maximum of one percent (1.0%) by weight (dry basis). Additionally, no fuel user shall cause or permit the installation or operation of any fuel burning equipment with a heat input of 250,000 BTU per hour or more which uses fuel containing any solid fuel without first obtaining the Commissioner’s approval by the issuance of a stationary source operating permit for this purpose, unless the fuel user demonstrates to the Commissioner’s satisfaction that the emissions of sulfur compounds (expressed as sulfur dioxide) from such equipment are 1.1 pounds per million BTU of heat input or less.

(ii) Under conditions of fuel shortage emergency, as determined by the Commissioner, higher percentages of sulfur may be permitted by express approval of the Commissioner for temporary periods.

(a)(3) Use of fuel containing other than one percent (1%) sulfur.

(a)(3)(ii) Air pollution control/energy trade program. Notwithstanding the provisions of subsection (a)(2), the Commissioner may approve: (i) combustion of a mixture of fuels, or (ii) combustion of a single fuel, which contain(s) more than one percent (1.0 percent) sulfur by weight (dry basis) provided that:

- (A) The emissions of sulfur compounds (expressed as sulfur dioxide) from a given premise do not exceed 0.55 pounds per million BTU of gross heat input;
- (B) The owner or operator of the premise applies for and obtains, prior to the burning of such fuel, a stationary source operating permit for this purpose; and
- (C) The emissions do not prevent or interfere with either the attainment or maintenance of any applicable air quality standard.

(a)(3)(ii) Emission limitation. Notwithstanding the provisions of subdivision (a)(2) the Commissioner may approve the combustion of a single fuel or a mixture of fuels which

contain(s) more than one percent (1%) sulfur by weight (dry basis) for any fuel burning equipment provided that the emissions of sulfur compounds (expressed as sulfur dioxide) from such equipment do not exceed 1.1 pounds per million BTU of heat input.

(a)(3)(iii) Ambient impact. Notwithstanding the provisions of subdivision (a)(2) or subparagraphs (a)(3)(i) and (ii) the Commissioner shall, by permit or order, limit the emission of sulfur compounds (expressed as sulfur dioxide) from any fuel burning equipment on a given premise to less than 1.1 pounds per million BTU of heat input for any source which interferes with the attainment or maintenance of any applicable air quality standard.

(a)(4) Fuel merchants

(a)(4)(i) No fuel merchant, except as provided in subparagraphs (a)(4)(ii) and (iii) shall store, offer for sale, sell, make available, deliver for use or exchange in trade for use in Connecticut fuel which contains in excess of one percent (1.0%) sulfur by weight (dry basis).

(a)(4)(ii) In other than conditions of fuel shortage emergency described under subsection (a)(2)(ii), fuel merchants seeking to store, offer for sale, sell, deliver for use or exchange in trade, for use in Connecticut, and fuel users seeking to create by combustion heat, light, power, or energy from fuels containing sulfur in excess of the maximums set by subsection (a)(2) under the conditions specified in subsection (a)(3) shall obtain the prior approval of the Commissioner.

(a)(4)(iii) The Commissioner may allow a fuel merchant to store, sell, or deliver fuel, which contains more than one percent (1%) sulfur by weight (dry basis) to any fuel user who has been authorized to use such fuel by:

(A) A variance pursuant to 22a-174-13; or

(B) A permit pursuant to 22a-174-3; or

(C) Approval pursuant to 22a-174-19(a)(2)(ii); or

(D) Approval pursuant to 22a-174-19(a)(3); or

(E) Authorization as a result of any other action taken by the Commissioner.

The Commissioner may take such action under this subparagraph without requiring any notice or hearing.

(a)(5) The Commissioner may require submission of fuel analyses, results of stack sampling, or both, prepared at the expense of the merchant or user, to ensure compliance with the provisions of subsections (a)(1) through (a)(7) inclusive, and no person shall fail to submit such data when requested to do so by the Commissioner.

(a)(6) Persons selling fuels in Connecticut shall maintain records of sales of all fuel containing sulfur and shall make these records available for inspection by the Commissioner or his representative during normal business hours. This section shall not apply to any of the following fuels which have sulfur contents below two-tenths of one percent (0.2%) by weight (dry basis): distillate oil, motor vehicle fuel, aircraft fuel, or gaseous fuel.

(a)(7) The provisions of subsection (a)(1) through (a)(6) inclusive shall not apply to fuels used by oceangoing vessels.

(a)(8) No person shall cause or permit the flaring or combustion of any refinery process gas stream or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide in concentrations greater than 10 grains per 100 standard cubic feet (23 gm/100 scm) of gas.

(a)(9)(i) The provisions of subsections (a)(2)(i) above shall not apply to any coal burning equipment used primarily for educational or historical demonstrations or exhibits provided that the emissions from such fuel burning equipment do not interfere with either the attainment or maintenance of any applicable air quality standard. These sources shall include, but are not limited to, blacksmith's forges, steam locomotives, and steamboats, provided, however, that such sources do not use or burn fuel which contains sulfur in excess of one and one-half percent (1.5%) by weight (dry basis).

(ii) As a prerequisite for exemption under the provisions of subsections (a)(9)(i), owners shall notify the Commissioner prior to commencement of said operation.

(iii) The Commissioner may revoke or modify an exemption under subsection (a)(9) if he determines that operation of the source will (1) prevent or interfere with the attainment or maintenance of any applicable air quality air standards, or (2) create a substantial health problem.

(iv) All fuel merchants are authorized to sell fuel to any owner or operator granted an exemption pursuant to subsection (a)(9) above. In addition to the requirements of subsection (a)(7) above, all records shall include the sulfur content of the fuel.] **Reserved.**

(b) Sulfuric acid plants.

No person shall cause or permit sulfur [oxides] compound, expressed as sulfur dioxide, emissions which exceed 6.5 pounds per ton (3.25 kg/ metric ton) of one hundred percent (100%) acid produced.

(c) Sulfur recovery plants.

No person shall cause or permit the emission of sulfur [oxides] compounds, expressed as sulfur dioxide, from a sulfur recovery plant to exceed 0.01 pounds (kg) per pound (kg) of sulfur processed.

(d) Nonferrous smelters.

No person shall cause or permit the emission of sulfur [oxides] compounds, expressed as sulfur dioxide, from primary non-ferrous smelters to exceed that set forth according to the following equations.

Copper smelters: $Y = 0.2 X$

Zinc smelters: $Y = 0.564 X[0.85] \underline{0.85}$

Lead smelters: $Y = 0.98 X[0.77] \underline{0.77}$

Where X is the total sulfur fed to the smelter in lb/hr and Y is the allowable sulfur dioxide emissions in lb/hr.

(e) Sulfite pulp mills.

No person shall cause or permit the total sulfite pulp mill emissions of sulfur [oxides] compounds, expressed as sulfur dioxide, from blow pits, washer vents, storage tanks, digester relief, recovery system, etc., to exceed 9.0 pounds per air-dried ton (4.5 kg/metric ton) of pulp produced.

(f) Other process sources.

Notwithstanding the provisions of section 22a-174-18(f) of the Regulations of Connecticut State Agencies, process sources not covered in subsections (b) through (e) of this section shall not emit sulfur [oxides] compounds [(, expressed as sulfur dioxide)], in the stack effluent in concentrations [which] that exceed 500 parts per million at standard temperature and pressure.

Sec. 2. Section 22a-174-19a(c) of the Regulations of Connecticut State Agencies is amended to read as follows:

(c) [Sulfur dioxide emission standards and fuel sulfur limits effective on and after January 1, 2002. On and after January 1, 2002 and except as provided in subsection (f) of this section, the owner or operator of an affected unit or units shall:

- (1) Combust liquid fuel, gaseous fuel or a combination of each provided that each fuel possess a fuel sulfur limit of equal to or less than 0.5 % sulfur, by weight (dry basis);
- (2) Meet an average emission rate of equal to or less than 0.55 pounds SO₂ per MMBtu for each calendar quarter for an affected unit at the premises; or
- (3) Meet an average emission rate of equal to or less than 0.5 pounds SO₂ per MMBtu calculated for each calendar quarter, if such owner or operator averages the emissions from two or more affected units at the premises.] **Reserved.**

Sec. 3. Section 22a-174-19a(d)(1) of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) No later than the following March 1, for each calendar year, [commencing January 1, 2002,] the owner or operator of each affected unit that is also a Title IV source shall retire one SO₂ allowance, rounded up to the next whole ton, for each ton of SO₂ emitted in the state of Connecticut. This requirement is in addition to any other requirements imposed on the owner or operator of a Title IV source by the Administrator under 40 CFR [Parts]72 and 73.

Sec. 4. Section 22a-174-19a(e) of the Regulations of Connecticut State Agencies is amended to read as follows:

(e) **Sulfur dioxide emissions standards and fuel sulfur limits [effective on and after January 1, 2003].** [Notwithstanding the provisions of subsection (b) of this section, this subsection shall apply, on and after January 1, 2003, to the owner or operator of a Title IV source that is also an affected unit or units. On and after January 1, 2003, such] The owner or operator of an affected unit shall:

- (1) Combust liquid fuel, gaseous fuel or a combination of each provided that each fuel possess a fuel sulfur limit of equal to or less than 3000 ppm (0.3 % sulfur, by weight) [(dry basis)];
- (2) Meet an average emission rate of equal to or less than 0.33 pounds SO₂ per MMBtu for each calendar quarter for an affected unit at a premises; or
- (3) Meet an average emission rate of equal to or less than 0.3 pounds SO₂ per MMBtu calculated for each calendar quarter, if such owner or operator averages the emissions from two or more affected units at a premises.

Sec. 5. Subsection (g)(1) of section 22a-174-19a of the Regulations of Connecticut State Agencies is amended to read as follows:

(g) **Fuel emergencies.**

(1) The commissioner may suspend the requirements of subsection [(c) or] (e) of this section for the owner or operator of any affected unit using a low-sulfur fuel. For the purposes of this subsection, a low-sulfur fuel is any solid, liquid or gaseous fuel with a sulfur content equal to or less than [0.5% by weight, dry basis] 3000 ppm (0.3% by weight). Such suspension shall be made only when the commissioner finds that the availability of fuel that complies with such requirements is inadequate to meet the needs of residential, commercial and industrial users in this state and that such inadequate supply constitutes an emergency.

Sec. 6. Section 22a-174-19a(i) of the Regulations of Connecticut State Agencies is amended to read as follows:

(i) Record keeping.

(1) The owner or operator of an affected unit who demonstrates compliance with this section by meeting the applicable fuel sulfur limits of [subsections (c)(1) or] subsection (e)(1) of this section shall make and keep records in accordance with the following:

- (A) If fuel with sulfur content not exceeding an applicable fuel sulfur limit is the only fuel purchased and combusted by an affected unit, then the owner or operator shall make and keep records that demonstrate the fuel sulfur content of each shipment of fuel received; or
- (B) If fuel with sulfur content above any applicable limit is blended at the premises for combustion in an affected unit or units, the owner or operator shall make and keep daily records demonstrating that all fuel combusted at the affected unit or units meets the applicable fuel sulfur limits of subsection [(c)(1) or] (e)(1) of this section. Fuel sulfur analysis shall be conducted in accordance with the American Society for Testing and Material (ASTM) test method D4294 and automatic sampling equipment shall conform to ASTM test method D4177-82, or a more recent version of the same method. (Copies of ASTM test methods [D4294 and D4177-82] referenced in this section may be obtained from the Department of Environmental Protection, Bureau of Air Management, 79 Elm Street, 5th floor, Hartford, CT 06106-5127; (860) 424-3027).

(2) The owner or operator of an affected unit who demonstrates compliance with this section by meeting the average SO₂ emission rate limits of subsections [(c)(2), (c)(3),] (e)(2) or (e)(3) of this section shall make and keep records in accordance with the following:

- (A) For affected units that are also Title IV sources, hourly SO₂ emission rate values determined from data measured by a CEMS in accordance with the applicable provisions of 40 CFR 75;
- (B) For affected units that are not Title IV sources:
 - (i) hourly SO₂ emission rate values determined from data measured by a CEMS in accordance with the applicable provisions of either 40 CFR 60 or 75, or
 - (ii) if any affected unit does not have a CEMS in accordance with either 40 CFR 60 or 75, then hourly SO₂ emission rate values determined from data measured by a CEMS or other monitoring system; and

- (C) For all affected units, quarterly facility SO₂ emission rate averages, determined by dividing total quarterly SO₂ emissions by total quarterly heat input values for all affected units at the facility.

(3) The owner or operator of an affected unit shall keep the records specified in subdivision (1) or (2) of this subsection at the premises for a period of five years. [Such records need not be maintained for distillate oil, motor vehicle fuel, aircraft fuel, or gaseous fuel, provided such fuels have a sulfur content below (0.3% by weight) (dry basis) and are the only fuels combusted at the affected unit. This exemption shall not apply when such fuels are combusted in combination with other fuels having sulfur contents above (0.3% by weight) (dry basis).]

Sec. 7. The Regulations of Connecticut State Agencies are amended by adding section 22a-174-19b as follows:

(NEW)

Section 22a-174-19b. Fuel Sulfur Content Limitations for Stationary Sources.

(a) Definitions. For the purposes of this section:

(1) "Aviation fuel" means a refined petroleum distillate defined in ASTM D1655, Standard Specification for Aviation Turbine Fuels, or the current active version thereof. "Aviation fuel" includes Jet A and Jet A-1 but does not include Jet B.

(2) "Combustion" means the rapid chemical combination of oxygen with the combustible element of a fuel resulting in the production of heat.

(3) "Fuel" means distillate fuel oil, residual oil, blends of distillate fuel oil and biodiesel fuel, blends of residual oil and biodiesel fuel, aviation fuel or kerosene.

(4) "Kerosene" means a refined petroleum distillate defined in ASTM D3699-08, Standard Specification for Kerosine, or the current active version thereof.

(5) "Sulfur dioxide" or "SO₂" means a gas that at standard conditions has the molecular form SO₂.

(b) Applicability. Except as provided in subsection (c) or (e) of this section, this section applies to any person who, on or after July 1, 2014, sells, supplies, offers for sale, stores, delivers or exchanges in trade in the state of Connecticut any fuel for combustion in a stationary source in the state of Connecticut and to any person who, on or after July 1, 2014, combusts any fuel in a stationary source within the state of Connecticut.

(c) Exemptions. The persons and fuels identified in this subsection are exempt from regulation pursuant to this section.

(1) The requirements of this section shall not apply to the fuel combusted in a mobile source.

- (2) This section shall not apply to any person storing fuel in the state of Connecticut for shipment, sale and use outside of the state of Connecticut.
- (3) Fuel stored in the state of Connecticut that meets any applicable sulfur content limitation at the time it is stored in the state of Connecticut may be stored, offered for sale, sold, delivered or exchanged in trade for combustion in the state of Connecticut and combusted in the state of Connecticut even if the sulfur content limitation applicable at the time of storage has been changed subsequent to the date of storage.
- (4) This section shall not apply to a person combusting fuel in fuel-burning equipment undergoing testing as part of a research and development operation.
- (5) The requirements of this section shall not apply to:
 - (A) Any person combusting fuel in a stationary source for which the fuel is subject to limitation under section 22a-174-19a of the Regulations of Connecticut State Agencies; or
 - (B) Any person selling or storing fuel for sale to a person identified in subparagraph (A) of this subdivision.
- (6) The requirements of this section shall not apply to any person who sells, supplies, offers for sale, stores for sale or combusts number two heating oil subject to the sulfur content limitations of section 16a-21a of the Connecticut General Statutes.
- (7) Any fuel in equipment that is leased or rented outside of the state of Connecticut for use in Connecticut may be combusted in the state of Connecticut regardless of the sulfur content, provided that all refueling of such leased or rented equipment performed while in Connecticut complies with the fuel sulfur content limits of Table 19b-1 of this section.

(d) Fuel oil sulfur content limitations.

- (1) No person shall store, offer for sale, sell, deliver or exchange in trade, for combustion in a stationary source in the state of Connecticut, fuel that contains sulfur in excess of the applicable limitation set forth in Table 19b-1 of this section, except as provided in subsection (c) or (e) of this section.
- (2) No person shall combust fuel in a stationary source that contains sulfur in excess of the applicable limitation set forth in Table 19b-1 of this section, except as provided in subsection (c) or (e) of this section.
- (3) Notwithstanding compliance with subdivision (1) or (2) of this subsection, the commissioner may, by permit or order, impose additional restrictions on any owner or operator to limit the emission of sulfur compounds, expressed as sulfur dioxide, from any stationary source combusting fuel if the commissioner determines that operation of such equipment

interferes with the attainment or maintenance of any applicable ambient air quality standard.

| Table 19b-1 | | |
|--|---|--|
| Fuel Type | Maximum Fuel Sulfur Content | |
| | Effective July 1, 2014 through June 30, 2018 | Effective on and after July 1, 2018 |
| Distillate fuel oil or distillate fuel oil blended with biodiesel fuel | 500 ppm (0.05%) by weight | 15 ppm (0.0015%) by weight |
| Residual oil or residual oil blended with biodiesel fuel | 10,000 ppm (1.0 %) by weight | 3000 ppm (0.3%) by weight |
| Aviation fuel combusted in a stationary source | 3000 ppm (0.3%) by weight | 3000 ppm (0.3%) by weight |
| Kerosene | 400 ppm (0.04%) by weight | 15 ppm (0.0015%) by weight |

(e) Fuel shortage emergency.

(1) Under conditions of a fuel shortage emergency, as determined by the commissioner, the commissioner may approve in writing the sale or combustion of fuel with a sulfur content that exceeds the applicable limitation in Table 19b-1 of this section. Any person seeking an approval under this subsection shall submit a request in writing to the Bureau of Air Management, Director of Engineering and Enforcement. Such request shall include:

- (A) A detailed statement describing the reason for the fuel shortage and the acute nature of the shortage. A fuel shortage may be of a type for firing in a particular emission source or generally throughout the state;
- (B) A statement that the acute nature of the shortage is the only reason for the request; and
- (C) A signature of a responsible official as described in section 22a-174-2a(a) of the Regulations of Connecticut State Agencies.

(2) The commissioner may approve a request under this subsection provided:

- (A) The requester has provided sufficient information concerning the fuel shortage;
- (B) The request states that the acute nature of the shortage is the sole reason for the

request;

- (C) The request is signed by a responsible official; and
- (D) Approval of the request will not create a condition that will cause imminent danger to the environment or public health.

(3) The commissioner shall notify the Administrator not later than five days after granting a request to sell or combust fuel that exceeds the limitations in Table 19b-1 of this section.

(4) In approving any request under this subsection, the commissioner shall specify, in writing, the period of time such suspension shall be in effect, provided such period of time shall not exceed 90 days.

(5) The provisions of this subsection shall be pre-empted when the Governor declares that an energy or fuel supply emergency exists.

(f) Compliance determinations.

(1) Any person selling fuel subject to a sulfur content limitation set forth in Table 19b-1 shall determine the sulfur content and quantity of each type of fuel sold.

(2) Any person selling fuel subject to a sulfur content limitation set forth in Table 19b-1 shall provide certification of the sulfur content of the fuel to each purchaser of fuel.

(3) Sulfur content shall be analyzed in accordance with American Society for Testing and Material (ASTM) test method D4294-10, *Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry*, or D7039-07, *Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-ray Fluorescence Spectrometry*, or the current active version thereof, and automatic sampling equipment shall conform to ASTM test method D4177-95(2010), *Standard Practice for Automatic Sampling of Petroleum and Petroleum Products*, or the current active version thereof.

(4) Any person may request the use of a method to analyze the sulfur content of fuel other than the method identified in subdivision (3) of this subsection, if the method is approved by a voluntary standards body such as ASTM or the International Standards Organization. Such a request shall name and describe the alternative method for which approval is sought, the approving organization, and shall be submitted to the commissioner and Administrator for review and approval. Such alternative method may not be the sole method used to determine the sulfur content of fuel until approved by the commissioner and the Administrator.

(g) Record keeping and reporting for fuel users and merchants.

(1) Persons selling and combusting fuels in Connecticut subject to the requirements of this section shall maintain records of information necessary for the commissioner to determine compliance with the requirements of this section.

(2) Any person who sells fuel subject to the requirements of this section shall maintain records of the sulfur content of fuels sold, the heating value of such fuels and the quantities of fuels sold.

(3) Any person combusting fuel subject to the requirements of this section shall maintain records of the sulfur content of the fuel combusted and the quantity purchased for combustion. A written certification or a written contract with a fuel supplier is sufficient to satisfy the requirements of this subdivision if the certification or contract identifies:

(A) The name of the fuel seller;

(B) The type of fuel purchased;

(C) The sulfur content of the fuel purchased; and

(D) The method used to determine the sulfur content of the fuel purchased.

(4) All records made to demonstrate compliance with the requirements of this section shall be:

(A) Made available to the commissioner to inspect and copy upon request; and

(B) Maintained for five (5) years from the date such record is created.

Sec. 8. Section 22a-174-5(a) and (b)(1) of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) All sampling, emission testing, and reporting shall be done in accordance with procedures prescribed by or acceptable to the Commissioner under subsection [22a-174-5(d)] (d) of this section of the Regulations of Connecticut State Agencies or specified in another section of the Regulations of Connecticut State Agencies adopted under chapter 446c of the Connecticut General Statutes.

(b) Sampling and emission testing methods.

(1) Analysis for the sulfur content of liquid fuels shall be done according to the American Society for Testing and Materials method D 4294, D 7039 or the most current methods approved by the American Society for Testing and Materials for the analysis of sulfur content of liquid fuels.

Statement of Purpose

The primary purpose of this proposal is to reduce the sulfur content of fuel oils burned in stationary sources to reduce emissions of sulfur dioxide (SO₂), an air pollutant and a contributor to the formation of the pollutant fine particulate matter (PM_{2.5}). The reduction in SO₂ emissions is important to reduce visibility-impairing emissions that contribute to regional haze and protect the public health from the adverse health impacts of SO₂ and PM_{2.5} pollution.

Connecticut is a member of a regional planning organization, the Mid-Atlantic/Northeast Visibility Union (MANEVU), which coordinates regional haze planning efforts to comply with section 169A of the federal Clean Air Act. In 2007, recognizing that SO₂ is the main contributor to visibility impairment, the MANEVU states agreed to pursue fuel sulfur content limitations for distillate and residual fuel oils.

The significant new elements of this proposal are those of new section 22a-174-19b of the Regulations of Connecticut State Agencies (RCSA), which include fuel sulfur content restrictions for distillate, residual, kerosene and aviation fuels used in all non-mobile equipment such as boilers, turbines and engines. These new fuel sulfur content restrictions are much more stringent than those of current RCSA section 22a-174-19. RCSA section 22a-174-19 is a regulation of general applicability that currently includes fuel sulfur content restrictions higher than those proposed in RCSA section 22a-174-19b. The less stringent fuel sulfur content restrictions of RCSA section 22a-174-19 are eliminated in this proposal. RCSA section 22a-174-19a includes provisions to limit SO₂ emissions from large electric generating units and industrial boilers, and those requirements are not changed by this proposal. RCSA section 22a-174-5(a) includes clarifying language and RCSA section 22a-174-5(b)(1) adds an allowable test method.

The more stringent fuel sulfur content limitations will mainly impact fuel suppliers, who will need to obtain compliant fuels, maintain records of the sulfur content of fuel sold and provide a certification to purchasers concerning the sulfur content of fuel.

The proposal recognizes that Connecticut General Statutes (CGS) section 22a-198 regulates the sulfur content of fuel used in large electric generating units and industrial boilers, and the regulation does not revise the sulfur content limitations for those sources. The proposal also recognizes the authority of CGS section 16a-21a, as amended by the Connecticut General Assembly in the 2013 legislative session, to limit the sulfur content of home heating oil and off-road diesel fuel. The fuels regulated by CGS section 16a-21a are exempt from regulation under the proposal. However, under CGS section 16a-21a, the sulfur content of home heating oil is subject to the same sulfur content limitations as distillate fuel oil in new RCSA section 22a-174-19b, and the standards apply on the same schedule.

CERTIFICATION

I hereby certify that the above Regulation(s).

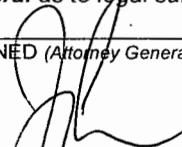
- is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority (ies): (complete all that apply)
 - a. Connecticut General Statutes section(s) 22a-174, 22a-198.
 - b. Public Act Number(s) _____.

And I further certify

- 2) that Notice of Intent to adopt, amend, or repeal said regulation(s) was electronically submitted to the Secretary of the State on 8/20/13, and posted to the Secretary's regulations website on 8/21/13;
- 3) and that a public hearing regarding the proposed regulation(s) was held on 10/9/13 or that no public hearing was held;
- 4) and that notice of Decision to Take Action on said regulations was electronically submitted to the Secretary of the State on 12/24/2013 and posted to the Secretary's regulations website on 12/26/2013;
- 5) and that said regulation(s) is/are EFFECTIVE
 - When posted online by the Secretary of the State.
 - OR on (insert date) _____.

| | | |
|--|--|------------------|
| 6) SIGNED (Head of Board, Agency or Commission)  | OFFICIAL TITLE, DULY AUTHORIZED Deputy Commissioner | DATE 12/26/13 |
|--|--|------------------|

APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

| | | |
|----------------|--|---|
| DATE 1/6/14 | SIGNED (Attorney General or AG's designated representative)  Joseph Rubin | OFFICIAL TITLE, DULY AUTHORIZED Assoc. A. G. |
|----------------|--|---|

Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant to CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

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| By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended | DATE March 25, 2014 | SIGNED (Administrator, Legislative Regulation Review Committee)  |
|---|------------------------|---|

In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

| | | |
|------|---------------------------------|----|
| DATE | SIGNED (Secretary of the State) | BY |
|------|---------------------------------|----|

(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp: