

Changes to Air Regulatory Compliance in CT

Dave Krochko, Woodard & Curran

Steve Eitelman, Pratt & Whitney



Federal Policy and Regulatory Updates

- Once In, Always In Policy withdrawal - incorporated into regulation?
- New source review “Step 1” project netting
- Definition of “ambient air”
- Source aggregation
- CTDEEP developing “Delegation Document” for NSPS and NESHAP rules



Organizational Changes in the Air Bureau

- Tracy Babbidge – Bureau Chief
- Ric Pirolli – Director of Enforcement
- Jaimeson Sinclair – Director of Engineering
- Paul Farrell – Director of Planning and Standards



New GPLPE Program

- General Permit to Limit Potential to Emit (GPLPE) originally issued in 1996
- Five year permit term -- Re-issued four times
- Current GPLPE expires on November 8, 2020
- Over 170 facilities in Connecticut registered under the current GPLPE
- In lieu of re-issuing GPLPE in 2020, CTDEEP intends to transition from general permit to a regulatory format to provide “practicably enforceable” alternative to major source Title V permitting



New GPLPE Program

- CTDEEP released informal draft regulations in January to implement to new GPLPE program:
 - RCSA § 22a-174-33a to implement “GPLPE-50”
 - RCSA § 22a-174-33b to implement “GPLPE-80”
- Regulations intended to closely follow existing GPLPE requirements
- Optional program open to any source seeking to cap its PTE
- No registration – only a notification
- No fees



New GPLPE Program

- Stakeholders submitted comments on informal drafts
- Proposal submitted to Office of the Governor and Office of Policy and Management for approval in April
 - Potential delay related to removal of fees
- Once approved, CTDEEP to issue draft regulation for formal public comment
- CTDEEP Point Person:
Raquel Herrera / (860) 424-3150 / raquel.herrera@ct.gov



New Stack Test Requirements

- New Source Emissions Monitoring Guidelines & Forms to implement requirements for stack testing and CEMS audits
- Released by CTDEEP on 9/14/2017
- Workgroup meeting following SIPRAC on 10/12/2017
- Comments provided by CBIA and others on 11/8/2017
- Final guidelines, forms, and written response to comments released on 4/30/2019

New Stack Test Requirements

- Significant changes to be current form and guidelines:
 - Concept “Standard” and “Non-Standard” testing protocols
 - More advanced notice for stack testing and CEMS RATAs
 - 45 days advance notice for standard test protocol
 - 60 days advance notice for non-standard test protocol
- New Intent-to-Test paperwork for visible emissions monitoring
- Certification required by a facility’s responsible official for test reports
 - *CTDEEP open to revisiting this requirement, but currently remains in effect*
- Electronic submittal required for ITT/protocols and compliances test report through DEEP’s dedicated FTP e-mail
- CTDEEP Point Person:
Cinda Lautenschlegar / DEEP.StackTestQ@ct.gov / cinda.lautenschlegar@ct.gov

Asbestos Changes

Federal Register 12/14/17 Partial Withdrawal

- **Impacts Renovations w/ RACM & Demolition Projects**
 - Historically most sources interacted only with DPH (lower thresholds)
- **In 2017 CTDEEP withdrew delegation for non-Title V sources**
 - Non-Title V sources notify EPA & DPH
 - Title V sources notify CTDEEP & DPH
- **Notifications (check differences between Renovation and Demolition)**
 - 10 working days prior to Project Start disturbing ACM
 - Annual Notification for planned renovations, due at least before December 21st
 - Emergency Notification, no later than following day
 - Updates to Initial Notification
 - Estimates provided in forms are off by at least 20%
 - Proposed date changes – start/end



Asbestos Changes

- **Submitting Reports – When is it Considered Submitted?**
 - EPA - Postmarked date
 - CTDEEP - Received by the “Commissioner”
- **Forms Signed & Certified**
 - Title V Sources: Signed and certified by person complies with RCSA Section 22a-174-2a(a) such as a duly authorized representative
 - Non-Title V Sources: per the notification forms, signature by “Owner/Operator”
 - Requires a “wet” signature by someone such as a duly authorized representative or owner/operator. Per EPA comments regarding CTDEEP SEM forms – scanned signatures are not valid e-signatures for certification.
- **Hot Tips?**
 - Check with your asbestos contractor, do they know the NESHAP requirements?
 - Review the NESHAP, esp. Notification Reports, check the EPA’s Applicability Determination Index, CTDEEP Website: https://www.ct.gov/deep/cwp/view.asp?a=2684&q=506048&deepNav_GID=1619
 - CTDEEP Point Person: Walter Barozi / (860) 424-3533 / walter.barozi@ct.gov



USEPA Refrigerant Rule Reminder

Requirements Effective January 1, 2019

- Revised allowable leak rates for equipment containing > 50 pounds of refrigerant (now includes appliances with HFCs and other substitute refrigerants):
 - Commercial Refrigeration = 20% (**was 35%**)
 - Industrial Process Refrigeration = 30% (**was 35%**)
 - Comfort Cooling or Other Appliances = 10% (**was 15%**)
- Detailed records for each service required and leak rate must be calculated every time refrigerant is added to an appliance
- Appliances with leak over the applicable leak rate must repair, or retrofit/retire
- Leaks must be repaired within 30 days and confirmed fixed through initial and follow-up tests
- Chronic leaks (>125% of full charge in calendar year) must be reported to EPA
- Since 1/1/2018: Recordkeeping for disposal of appliance >5 pounds of refrigerant (monthly quantity removed, where transferred, unit name, location, and type of each appliance)

EPA proposed to withdraw these requirements for HFCs – but not final yet

- EPA HQ Point Person: Jeremy Arling / (202) 343-9055 / arling.jeremy@epa.gov



THANK YOU!

Please reach out to Steve & Dave
with any questions



What is Happening in Energy Policy in Connecticut in 2019

Lee D. Hoffman, Pullman & Comley, LLC



The 800 Pound Gorilla



AAC a Green Economy



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Let's Open Our Presents

- LREC/ZREC program expansion
- Tariffs are delayed
- Residential solar is increased
- Studies the value of distributed generation
- Net metering and virtual net metering get a break
- DOT to inventory its land for solar

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Let's Open Our Presents, Cont'd

- IRP must include standards for thermal energy
- New green building standards
- DEEP can use consultants now
- Electric companies can own energy storage
- Anaerobic digestion gets a boost



LREC/ZREC & Tariffs

- Program was scheduled to go away
- Sticks around for two more years
- Anaerobic digestion specifically added to the LREC program
- PURA still must work on tariffs
- Tariff-based projects will start on July 1, 2022



Changes at PURA & DEEP

- Nobody knows the value of distributed generation
- By July 1, 2019, DEEP and PURA shall start a proceeding to study the value of distributed energy resources
- Use of consultants
 - PURA and OCC already use consultants to supplement their expertise
 - Now, DEEP can do that as well



Net Metering – Original and VNM

- Traditional net metering programs are extended for two years, to coincide with the new tariffs
- Virtual net metering gets expanded
 - Cap increases from \$10M to \$20M
 - Electric companies will allocate between municipal, state agency and agricultural uses



Increases in Solar Development

- CT Green Bank increases its residential solar program from 300 MW to 350 MW
- By Dec. 1, 2020, the DOT has to inventory all its land to identify land that may be suitable for energy projects.



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Miscellaneous

- IRP must include standards for thermal energy – coming Jan. 1, 2020
- New green building standards – coming Jan. 1, 2020
- Electric companies can own energy storage
- Anaerobic digestion gets a boost, particularly if it's located on an animal feedlot

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Now, Let's Open the Big Presents



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Green Jobs!



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Questions?

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Waste Task Force

Harold Blinderman, Day Pitney LLP
Mark Bobman, Bristol Resource Recovery



Connecticut Department of Environmental Protection Changes to the Starting Lineup

- Katie Dykes – Commissioner
- Betsey Wingfield – Deputy Commissioner, Environmental Quality
- Brian Thompson, Acting Bureau Chief, Water Protection & Land Reuse
- Jan Czeczotka – Director, Remediation Division
- Ray Frigon – Deputy Director, Remediation Division



Diamond
OFFICIAL LINE-UP

TEAM: _____ HOME: _____ VISITOR: _____ DATE: _____
 OPPONENT: _____ FIELD: _____

#	STARTING PLAYER	POS.	SUBSTITUTION
1			
2			
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COACH: _____

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DEEP – Breaking News - Passed Legislation

- **SB 753 – AN ACT CONCERNING THE STATE-WIDE BAN ON FRACKING WASTE**
 - Permanently bans handling, treatment, storage and disposal of fracking wastes, and natural gas wastes and oil wastes from extraction activities in Connecticut
 - Limited research exception contingent on adoption of regulations
 - Effective upon passage
- **SB 1030 - AN ACT CONCERNING THE AUDIT PERIOD FOR THE TRANSFER OF HAZARDOUS WASTE ESTABLISHMENTS**
 - Adds exceptions to the Transfer Act program
 - Shortens to one year the window for DEEP to commence an audit of final remediation verifications
 - Establishes a working group to recommend further changes to the Transfer Act by February 1, 2020
 - EFFECTIVE DATE: October 1, 2019, except that the working group provision is effective upon passage.

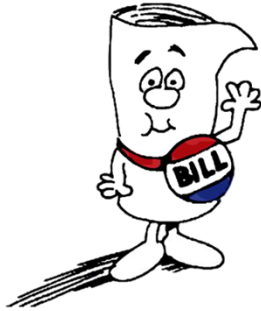
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DEEP – Breaking News - Passed Legislation Cont'd

SB 1030 (cont'd) - Additional exclusions to the Transfer Act Program.



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16 was located on or after May 1, 1967; [;] "Establishment" does not
17 include any real property or any business operation from which more
18 than one hundred kilograms of hazardous waste was generated in any
19 one month solely as a result of either:
20 (i) The one-time generation of hazardous waste in any one month,
21 as a result of either the first time such waste was generated or such a
22 one-time generation since the last time a Form I, Form II, Form III or
23 Form IV was required to be submitted; or
24 (ii) One or more of the following:
25 (I) Remediation of polluted soil, groundwater or sediment;
26 (II) The removal or abatement of building materials or removal of
27 materials used for maintaining or operating a building;
28 (III) The removal of unused chemicals or materials as a result of the
29 emptying or clearing out of a building, provided such removal is
30 supported by facts reasonably established at the time of such removal;
31 or
32 (IV) The complete cessation of a business operation, provided the
33 waste is removed not later than ninety days after such cessation and
34 such cessation is supported by facts reasonably established at the time
35 of such cessation;

29

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DEEP – Breaking News – Catching a Wave

- COMING SOON – Wave 2 RSR Revisions
 - Wave 1 – Adopted 2013 – Streamlining of process
 - Wave 2
 - 2016 Conceptual Language Draft
 - DEEP has advised that a Notice of Intent to Adopt Regulation is “imminent”
- What's in the Box?



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Spill Reporting

- P.A. 16-199 required DEEP to adopt regulations specifying numeric thresholds for reporting spills, discharges or other releases – reports required if exceed applicable threshold
- C.G.S. Section 22a-450 applies until DEEP adopts regulations pursuant to P.A. 16-199
- No additional progress to report



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Hazardous Waste

- EPA Hazardous Waste Generator Improvements Rule
 - Significant changes to existing RCRA rules
 - Adopted November 2016; Effective May 30, 2017
 - By rule, more stringent federal provisions are to be in place by July, 2019
- EPA Pharmaceutical Rule
 - Establishes management standards for Hazardous Waste Pharmaceuticals
 - Applies to broad list of healthcare facilities
 - Does not go into effect until formally adopted
- PA 17-242 Report: DEEP proposing to update in phases



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USEPA e-Manifest



Slide from DEEP 6/26/2018 Presentation "EPA's E-Manifest System: Top Things You Need To Know" from the Solid Waste Advisory Committee Meeting

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- Effective June 30, 2019, EPA launched e-Manifest, to facilitate electronic submission of hazardous waste manifests
- DEEP issued [guidance](#) that TSDFs and generators should stop sending copies of manifests. DEEP no longer accepts manifests

Emerging Contaminants- PFAS

PFAS WHAT YOU NEED TO KNOW

WHAT ARE PFAS CHEMICALS?

Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals that includes PFOA, PFOS and GenX chemicals. Since the 1940s, PFAS have been manufactured and used in a variety of industries around the globe, including in the United States. PFOA and PFOS have been the most extensively produced and studied of these chemicals. Both are very persistent in the environment and in the human body. Exposure to certain PFAS can lead to adverse human health effects.

PFOA & PFOS

U.S. manufacturers voluntarily phased out PFOA and PFOS, two specific PFAS chemicals.

GenX Chemicals

GenX chemicals are a replacement for PFOA.

Courtesy of EPA PFAS What You Need to Know Infographic, available here:
https://www.epa.gov/sites/production/files/2018-03/documents/pfasv15_2pg_0.pdf

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What? Me Worry?



no crisis is too important to ignore

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RESOURCE RECOVERY FACILITIES (waste to energy) primary state infrastructure for waste management

FACILITY	TONS PER DAY	MWh
MIRA Hartford	2,500	45
Wheelabrator Bridgeport	2,250	65
Covanta Preston	700	18
Covanta Bristol	620	16
Wheelabrator Lisbon	500	15

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Recent Major Outages

- February to April 2018 – Bristol facility steam drum failure, one unit down 61 days
 - Transfer/diverted up to 700 tons per day
- MIRA (Hartford) both turbines down, boilers down from early November into February
 - Transferred up to 6,000 tons per week
 - Utilized network of 37 in-state and out-of-state facilities
 - Triggered emergency authorization for capacity expansion at several Connecticut facilities



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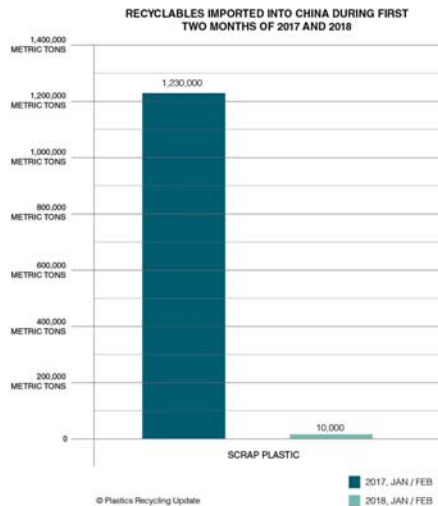
TRADE BARRIERS – CHINA NATIONAL SWORD & OTHER SOUTHEAST ASIA COUNTRIES

- February 2017 – World Trade Organization notified by China's General Administration of Customs of new efforts targeted at "foreign waste," including plastics, industrial waste, electronics; contamination limited to 0.3%, generally considered to be unattainable for U.S. facilities processing municipally collected recyclables
- November 28, 2017, Department of Commerce announced antidumping duty and "countervailing duty" investigations of imports of common alloy aluminum sheet from the People's Republic of China
- China's "Blue Sky" tacked onto National Sword campaign (2018), focuses on smuggling
- March 19, 2018 Trade Expansion Act of 1962, Section 232 announcements: tariffs on imports of aluminum (10%) and steel (25%) – Canada & Mexico exempted
- Import bans extended to Indonesia, Malaysia, Thailand, Vietnam

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POST NATIONAL SWORD – RECENT DEVELOPMENTS

- Connecticut General Assembly – prior legislation (product stewardship) to recover ewaste, paint, mattresses
- 2019 Session: Plastic bag “ban”, bottle redemption study bill
- Hundreds of cities, counties and smaller local governments curtail or suspend recycling services
 - Philadelphia utilizes waste to energy facility in Delaware County to dispose of half of the city’s recyclables
- NY Times, June 7 2019 – “*Recyclers Cringe as Southeast Asia Says It’s Sick of the West’s Trash*”
 - “unlicensed trash dumps, many of them owned by mainland Chinese investors, began appearing in the back alleys of Southeast Asian ports.”
 - “By March 2018, the peak of the surge, Malaysia was importing about 139,000 tons of plastic waste per month, up from about 22,000 tons per month a year earlier, according to official trade data”

Are investors worried about recycling?

CNBC Jan. 19, 2018:

- Coca-Cola wants to recycle every bottle and can it sells by 2030
- Danone reported its Evian mineral water brand will make all its plastic bottles from 100 percent recycled plastic by 2025
- McDonald's set its own goal on Tuesday to use all recycled or other environmentally friendly materials for its soda cups, Happy Meal boxes and other packaging by 2025
- PepsiCo set a goal last year to make 100 percent of its packaging recoverable or recyclable by 2025

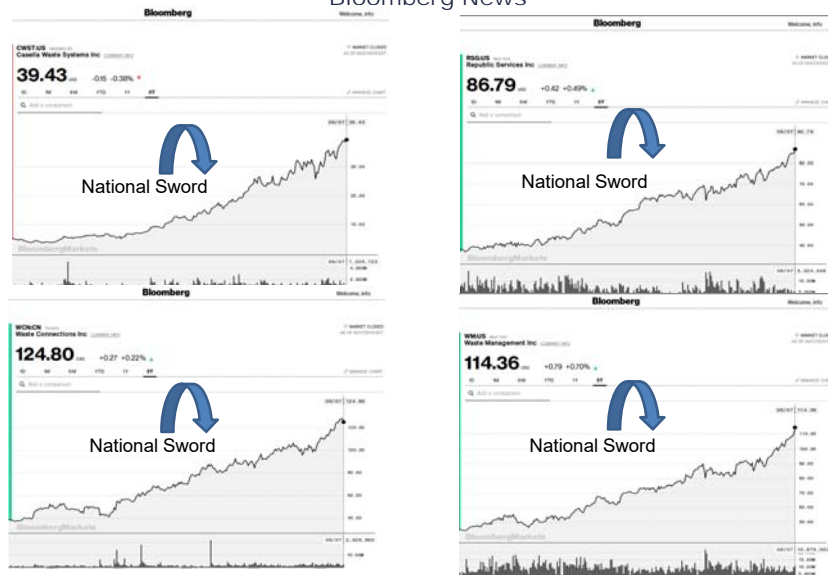
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POST NATIONAL SWORD – 5-yr waste company stock prices

Bloomberg News



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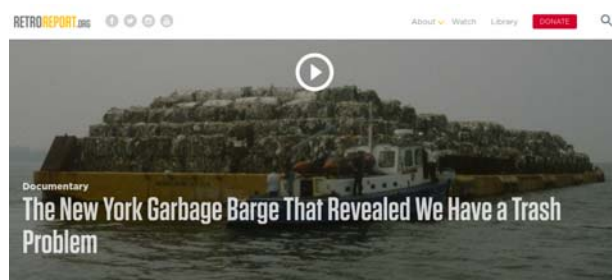
NY Times, June 9 2019 (cont'd)

- *"Southeast Asian governments issued waste-import restrictions of various shapes, sizes and durations. Thailand imposed an indefinite ban on electronic waste last summer, for example, while Vietnam stopped issuing waste-import licenses and vowed to stop importing scrap plastic by 2025."*
- *"In the Philippines last week, officials returned a shipment of waste that had been mistakenly sent there from Canada several years ago, and vowed to send another back to Hong Kong."*
- *In Malaysia, "Yeo Bee Yin, the 36-year-old environment minister said the government would soon return 10 of about 60 containers with waste from the United States and elsewhere that had been smuggled into illegal processing facilities."*

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Quoting the late philosopher, Yogi Berra,
"It's like déjà vu all over again."



March 1987 – Mobro 4000, with 3,000 tons of Long Island trash, cruising the Atlantic.

Johnny Carson – *"Take your barge up into the Gulf of Persia, and there is Iran. Dump it right there."*

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Look alike? Mobro 1987 & North America recyclables 2019?



Rodrigo Duterte, President of the Philippines
"Load that up on a ship and I will advise Canada that your garbage is on the way. Prepare a grand reception. Eat it if you want to." NY TIMES, June 9, 2019.

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Waste Task Force Update

THANK YOU

Harold Blinderman

Mark Bobman

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Water Compliance and Permitting Trends

Debbie Hoyes, Arcadis
Wojciech Krach, Kaman Corp.



FEDERAL UPDATES

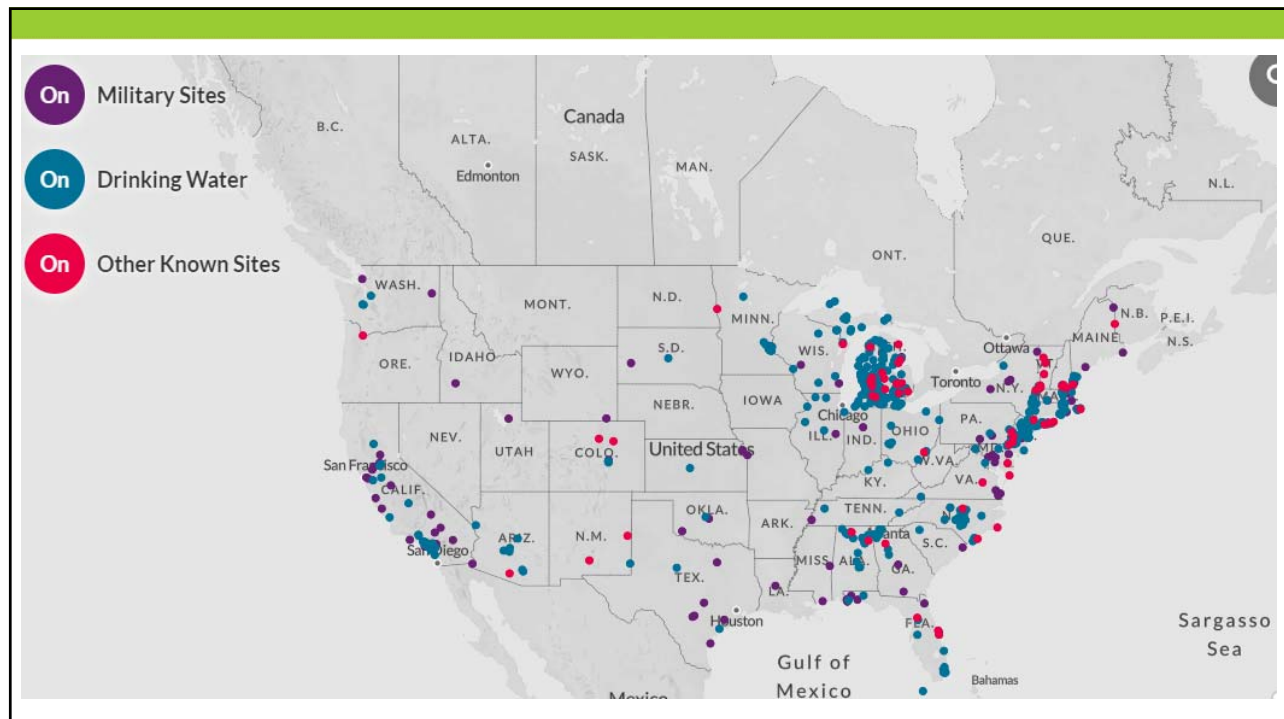


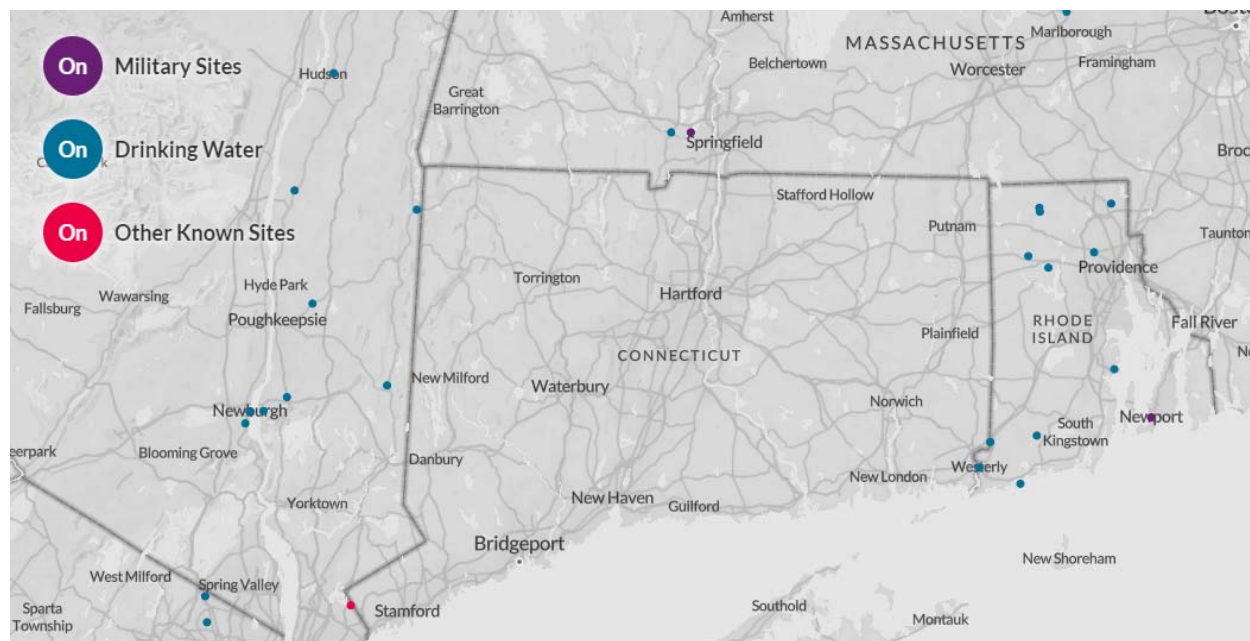
PFAS

- Class of chemicals contains more than 5,000 different compounds
- Forever chemicals, ubiquitous compounds, omnipresent
- States are suing makers and distributors of perfluoroalkyl and polyfluoroalkyl substances
 - New Hampshire
 - New York
 - Vermont (settlement)
 - Minnesota



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PFAS

- EPA's PFAS Action Plan (72 pages)
 - Fact Sheet (1 page, legal size)
- “EPA is taking a proactive, cross-agency approach to addressing PFAS.”
- EPA has established a nonbinding health advisory threshold of 70 parts per trillion

WOTUS & the Clean Water Rule

- Proposed Revised Definition of "Waters of the United States"
- Presidential Executive Order "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule" signed February 2017 required this re-evaluation
- EPA and USACE reviewing public comments and anticipate taking final action on the proposal this summer.



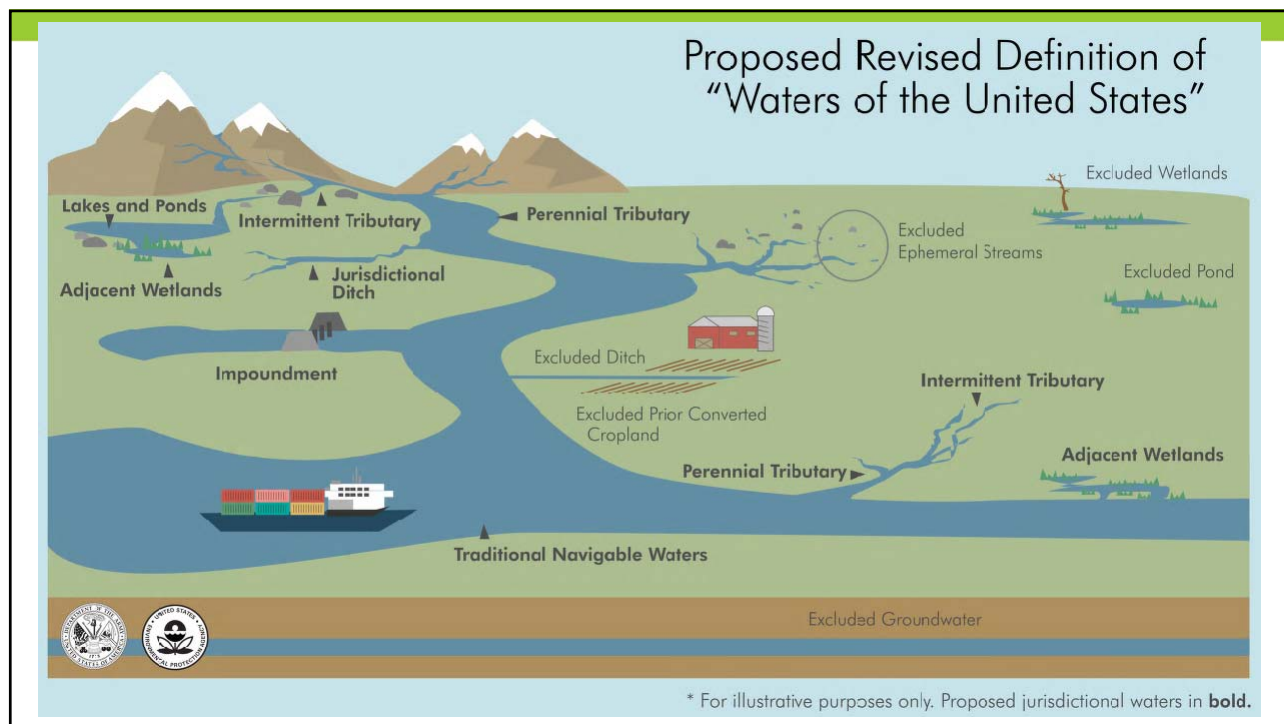
WOTUS & the Clean Water Rule

- Why this pertains to you?
 - Army Corps of Engineers Permit
 - Work in waters of the US and adjacent wetlands
 - Oil spill prevention and planning programs (SPCC Plans)



Clean Water Act programs apply only to "Waters of the United States"

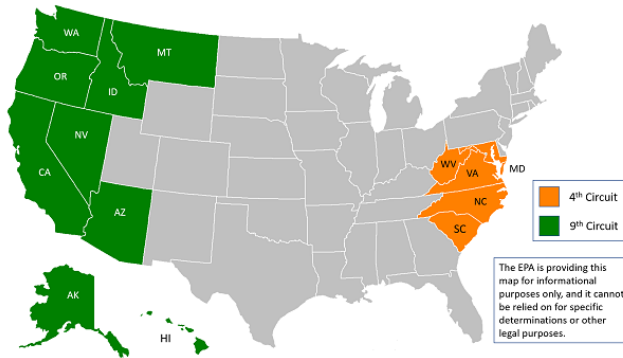




Clean Water Act Permitting Requirements

- EPA Clarifies that the Clean Water Act NPDES Program Does Not Regulate Point Source Discharges to Groundwater
- EPA concluded that releases of pollutants to groundwater are categorically excluded from the Act's permitting requirements because Congress explicitly left regulation of discharges to groundwater to the states and to EPA under other statutory authorities.

Releases from a Point Source to Groundwater



This map shows the states within the Fourth and Ninth Circuits where EPA's Interpretative Statement does not apply.

- EPA's Interpretative Statement
 - 57 pages
- Interpretative Statement Factsheet
 - 1 page

This map was last updated April 15, 2019.

Source: <https://www.epa.gov/npdes/releases-point-source-groundwater>

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Drinking Water

- Requirements for the new risk assessment and emergency response plans required of drinking water utilities in the *America's Water Infrastructure Act of 2018*
- Revision of a 2002 Safe Drinking Water Act amendment, which required one-time vulnerability assessments for drinking water utilities
- Tiered certification requirement based on service size

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Drinking Water

- Utilities serving more than 3,300 people
- Conduct a new assessment of risk and resilience related to
 - Natural hazards and malevolent acts
 - All physical and electronic systems
 - Financial infrastructure
 - Use and handling of chemicals
 - Operation and maintenance of the system
- Prepare an emergency response plan based on the risk assessment



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STATE UPDATES

Wojciech Krach,
Kaman Corporation

Voytek Krahh



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Stormwater General Permits

- Industrial - in effect through September 2020
- Construction - in effect through September 2020
- Both GPs will likely be reissued without modification and re-registration requirements for another two years



Proposed Pretreatment Program Changes

- DEEP to continue regulating all SIUs with sewer discharges
 - Individual Permits and a new SIU GP
- Non-SIUs will be regulated by the WPCAs - Comments were due February 14, 2019
 - MISC GP will be modified from the public noticed version - Comments were due April 5, 2019
- Working Group between DEEP & WPCAs
- Both GPs are effective in existing form - **October 2020**
- **Hearings, dialogue, communication in progress**



Water Quality Standards Triennial Review

- EPA Draft **Aluminum** Water Quality Standards
 - Based on receiving freshwater quality
 - Per EPA, not enough data points to develop estuarine/marine criteria at this time
 - Comments due on April 5, 2019 are being reviewed
 - Once review is completed DEEP will update WQS by following established regulatory revision process



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Other Items

- Diversion Registrations and Permits
 - Updating the annual reporting form and instructions
 - Available next year for RY2019
- State Water Plan
 - Required by Public Act 14-163
 - **Approved**
- Long Island Sound Blue Plan
 - 6 videos

RESOLUTION APPROVING THE STATE WATER PLAN.

Resolved by this Assembly:

- 1 That the state water plan submitted to the General Assembly on
- 2 January 23, 2018, in accordance with the provisions of section 22a-352
- 3 of the general statutes, is approved.

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Thank you!

