**Case-by-Case NOx RACT Requirement Checklist**

| **§22a-174-22e** | **Regulatory Requirement** |  |
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| (h)(1)(A) | Demonstrate that available emissions control technology and subsection (g) compliance options are either technologically or economically infeasible |  |
| (h)(1)(B) | Recommend a case-by-case RACT emissions limitation that represents the lowest emissions limitation reasonable for the emission unit and additional NOx reduction actions. |  |
| (h)(1)(C) | * Calculate the NOx emission reduction achievable by implementation of the recommended emissions limitation and additional actions. |  |
| * Calculate the NOx emissions reductions that would have occurred if the emission unit complied with the emissions limitations in subsection (d). |  |
| * Compare |  |
| (h)(2) | Submit request by January 1, 2021 for a Phase 2 emissions limitation. |  |
| (h)(3) | A case-by-case RACT emissions limitation or additional actions must be established in a permit or order and submitted to EPA for approval. |  |
| (h)(4) | Case-by-case NOx RACT expires no later than May 1, 2028 |  |
| (h)(5) | Imposition of a limit on the potential NOx emissions or limit on fuel use, raw materials processed or hours of operation may be requested concurrently with request for a case-by-case RACT determination. The limitation can be imposed in the same order as case-by-case RACT determination. |  |
| (h)(6) | A request for a case-by-case RACT determination must be made on forms prescribed by the commissioner.  <https://portal.ct.gov/DEEP/Air/Compliance-Assurance/Air-Compliance-Assurance---Forms> |  |
| (h)(6)(A) | Identify all NOx emission control alternatives available for use on the emission unit that is the subject of the demonstration. |  |
| (h)(6)(B) | Eliminate infeasible options from further consideration after identifying the physical, chemical or engineering circumstance that would preclude successful use of the control option; |  |
| (h)(6)(C) | Evaluate the control effectiveness of feasible alternatives in terms of NOx emissions reduced based on the potential emissions of the emission unit prior to use of the control alternative or the proposed emissions associated with the limitation requested pursuant to subdivision (5) of this subsection; |  |
| (h)(6)(D) | Evaluate the cost of each feasible control alternative using a method approved by the commissioner. Cost shall be evaluated on an annual basis (8760 hours/year) at full load, unless the operation of the emission unit is subject to a practicably enforceable limitation in existence prior to the submission of the case-by-case RACT demonstration or the owner or operator has requested a limitation on NOx emissions or unit operation in accordance with subdivision (5) of this subsection; |  |
| (h)(6)(E) | Evaluate the cost effectiveness of each feasible control alternative on an annual basis as the cost in US dollars per ton of NOx reduced ($/ton), where NOx emissions prior to control and after control are based on either:  (i) The potential NOx emissions of the emission unit, as limited by any practicably enforceable conditions in existence prior to the submission of the case-by-case RACT demonstration, or  (ii) The proposed NOx emissions of the emission unit based on a proposed limitation submitted in accordance with subdivision (5) of this subsection. |  |
| (h)(7) | The case-by-case RACT determination cannot be less stringent than the lowest NOx emission rate achievable from the emission unit using a cost effective control alternative. |  |
| (h)(8) | The net air quality benefit obtained from the case-by-case RACT determination shall not include the reduction in potential emissions of NOx associated with any proposed limitation requested in accordance with subdivision (5) of this subsection. |  |
| (h)(9)(A) | Publish notice of such request in a newspaper of general circulation in the area in which the emission unit operates |  |
| (h)(9)(B) | Notify the chief elected official of the municipality in which the emission unit that is the subject of the request is located. |  |
| (h)(10) | The owner or operator shall include a copy of the notice as it appeared in the newspaper in the submission to the commissioner of the case-by-case RACT demonstration and a signed statement certifying that the owner or operator notified the chief elected official of the municipality in which the emission unit that is the subject of the request is located. |  |
| (h)(11) | Hold an informational hearing to explain the purpose of and basis for the request, if a request to hold such hearing is made. |  |
| (h)(12) | The notice must include: |  |
| (h)(12)(A) | A description of the demonstration sufficient for an interested person to understand the technical and economic basis for the elements of the demonstration and included the emission rate requested and the subsection (d) emissions limit. |  |
| (h)(12)(B) | Identification of the name of the owner or operator; a description of the emission unit to which the demonstration applies including the make and model, capacity and purpose; the location of the emission unit; and the name, address and telephone number of a person from whom more information about the demonstration may be obtained; |  |
| (h)(12)(C) | The name, telephone number and electronic mail address of an individual from whom an interested person may obtain a copy of the demonstration; |  |
| (h)(12)(D) | The date, time and location of the public informational hearing to be held, if any request for such hearing is submitted by any member of the public within 14 days of the date of publication of the notice, and the address for the public to send a request for such hearing; |  |
| (h)(12)(E) | Indication that if no request for the informational hearing is made by a member of the public to the owner or operator by the date designated in the notice that such hearing will not occur and specification for the method and time for announcing that the hearing has been cancelled and a telephone number for the public to call to determine if the public hearing will occur as noticed or is cancelled. |  |