



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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Boston, MA 02109-3912

September 29, 2023

Jaimeson Sinclair, Director
Engineering and Enforcement
Bureau of Air Management
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Dear Mr. Sinclair:

Title V of the Clean Air Act, as amended in November of 1990, requires each state to develop and implement an operating permits program for stationary sources of air pollutants. As provided for in 40 CFR 70.10 and as a continued part of EPA's obligation to oversee and review Title V programs, EPA conducted a program evaluation on August 30, 2023, of the Connecticut Department of Energy and Environment's (CT DEEP) Title V operating permits program.

We appreciate CT DEEP's time and effort in providing responses to our inquiries when conducting the evaluation. EPA's findings reveal a very well-managed and efficient Title V program. There were no significant findings or recommendations. Below are highlights from our evaluations:

- CT DEEP maintains a relatively small backlog of 16% and has adopted best practices such as standard operating procedures, document templates and staff-to-staff mentorship to mitigate attrition impacts.
- The state collected fee over EPA's presumptive minimum fees in 2021 and 2022, but a drop in revenue occurred in 2020 due to Covid-related fee deadline extensions.
- CT DEEP anticipates an increase in Title V permits due to EPA's reclassification of Southwest Connecticut to severe nonattainment status for the 2008 ozone NAAQS, which could lower the major source threshold and potentially boost the number of Title V sources in the state.

EPA is pleased with CT DEEP's implementation of their Title V operating permits program and their continued efforts in making improvements. We appreciate your partnership and look forward to working with you in implementing the Title V program into the future. Enclosed please find EPA's findings from our recent review of Connecticut's Title V Operating Permit Program. If you have any questions, please call Andre Turner at (617-918-1216).

Sincerely,

Patrick Bird, Manager
Air Permits, Toxics, and Indoor Programs Unit

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

**Questionnaire for EPA's 2023 Title V Program Evaluation for
Connecticut's Department of Energy and Environmental Protection**

The **green text** represents Connecticut's Department of Energy and Environmental Protection (CT DEEP) responses the State provided to EPA questions prior to the program review on August 30, 2023. The **blue text** represents EPA's findings or commitments made during the program review.

Title V Program and Regulatory Updates

1. Please describe any significant changes your agency has made to the following aspects of your Title V program in the last 6 years. What prompted the changes and how have the changes impacted the permitting process? If no changes have been made, write "N/A":
 - a. Organizational structure/reorganization. **N/A**
 - b. Title V application forms. **N/A**
 - c. Permit and Statement of Basis development and templates. **N/A**
 - d. Public notification and participation procedures. **N/A**
 - e. Waivers, exemptions, general permits and permits by rule.

On September 24, 2020, the Department promulgated RCSA Sections 22a-174-33a and 22a-174-33b. These permits-by-rule were incorporated into Connecticut's State Implementation Plan on March 11, 2022. Operations in accordance with either rule, limits potential emissions ("PTE") of Criteria Air Pollutants and Hazardous Air Pollutants to below Title V Source thresholds. In the absence of other factors that necessitate maintenance of a Title V operating permit, these rules limit PTE and allow compliant facilities to avoid the Title V Operating Permit Program.
 - f. Permit process in general, including any streamlining efforts. **N/A**
 - g. Internal guidance, including any updates made to internal guidance on a) periodic monitoring, b) streamlining, and c) practical enforceability of title I limit; and **N/A**
 - h. Other - please describe. **N/A**
2. Have any revisions been made to your agency's Title V regulations within the last 6 years, including fee requirements, public notice requirements and judicial review? If yes, what is the nature of these revisions?
 - a. **Yes**

- b. Effective February 8, 2018: DEEP removed the “Step 2” greenhouse gas (GHG) permitting requirements of the Tailoring Rule (75 FR 31514, June 3, 2010), which it had added to DEEP’s Title V regulation (section 22a-174-33 of the Regulations of Connecticut State Agencies) in 2011. Step 2 subjected sources to permitting based solely on exceeding a certain level of GHG emissions. The removal was prompted by the U.S. Supreme Court’s invalidation of the Step 2 requirements in *UARG v. EPA* (134 S.Ct. 2427).

EPA response: There is no pending action for EPA to approve Connecticut removal of the “Step 2” greenhouse gas permitting requirements.

- c. Effective November 18, 2020: DEEP made several changes to the procedural requirements contained in RCSA Section 22a-174-2a, concerning Title V permits including: a clarification to the signatory requirements for municipalities, and the ability to stop a 21-day clock on minor permit applications. Before this change, a permittee could begin modifications 21 days after submitting a complete application for a minor modification with no simple way for DEEP to prevent such an action. On the same date, DEEP made a technical amendment to the Title V fee regulation that did not impact fees charged.

EPA response: CT DEEP’s changes to the procedure requirements in RCSA Section 22a-174-2a for Title V permits made the program more stringent than Part 70 requirements. Although not a significant programmatic amendment, EPA could approve these changes if CT DEEP submits the changes to EPA for approval.

Staffing Resources/Management Support

- 3. How many full-time equivalent (FTE) staff does your agency have dedicated to implementing your Title V permit program? Please provide a breakdown in terms of permit writer, compliance, monitoring, etc.

Connecticut does not have staff dedicated exclusively to implementing the Title V Permit Program. Our current operations model involves permit engineers, regulatory development staff, compliance assurance staff, emissions inventory and billing staff and administrative staff that have both Title V and non-Title V duties. The model allows the Bureau to be nimble when responding to the shifts in workflow that can occur over time.

EPA response: Connecticut’s Title V permit program is implemented by a diverse team with mixed responsibilities, comprised of 2 supervisors and 8 staff members. This is not dissimilar from how other New England state Title V programs are managed. CT DEEP’s time reporting codes ensure that staff time spent on Title V program activities are adequately accounted and Title V program fees are used to fund those personnel costs.

- 4. What are the number of Part 70 sources in the agency’s jurisdiction? 69 as of July 1, 2023
- 5. What is the ratio of FTE working on the Part 70 Title V program to Part 70 source?

N/A see answer to #3 above.

6. Is your Title V program currently fully staffed? If not, please describe.

At this time, the Air Bureau has the resources to administer the Title V program as required by EPA. While the number of active Title V sources has decreased over time, so has air program staffing.

We are currently tracking a potential increase to our Title V workload that may result from EPA's reclassification of Southwest Connecticut to severe nonattainment for the 2008 ozone NAAQS which could increase the number of Title V sources by lowering the major source threshold to 25tpy NOx/VOC in New Haven and Middlesex counties. We are actively monitoring this situation and will develop a plan if there is an increase our Title V workload.

EPA response: EPA acknowledges the potential challenge of an increased Title V workload due to the reclassification of Southwest Connecticut to severe nonattainment for the 2008 ozone NAAQS. We appreciate CT DEEP's efforts to make smaller sources aware of the potentially applicable new requirements because of the reclassification.

7. Please describe Title V staff turnover over the past 3 years.

Over the past 3 years, the most significant impacts of staff turnover have been felt in our Enforcement Division. There has been little change in the permit writing staff of the Engineering Division over the past 3 years.

- a. How does this impact permit issuance?

There has been little impact to permit issuance due to staff turnover in the past 3 years, because there has been little to no change in the permit writing staff over the past 3 years. If anything, permit issuance has improved as newer permit writers matured over the last 3 years.

- b. How does the permitting authority minimize turnover and/or ensure consistency of implementation when there is turnover?

The vast majority of permitting and enforcement functions have been meticulously documented in standard operating procedures and operations manuals. The maintenance of up-to-date standard operating procedures, document templates, and permit writer's guides minimizes the impacts of staff turnover and shortens the onboarding process for new staff.

EPA response: Connecticut's approach to minimizing turnover impacts and ensuring consistency is commendable. The use of documented standard operating procedures, operations manuals and guidance materials is an effective strategy to ensure continuity in implementing the Title V program. Additionally, Connecticut has employed approved alternative compliance monitoring strategies to better utilize compliance and enforcement staff given fluctuations in that group.

8. Do your Title V permit writers work full-time on Title V? If not, please describe the other activities and the approximate percentage of time spent on Title V permits.
Connecticut does not have permit staff dedicated exclusively to Title V work. Our permit engineers split their time between Title V work and non-Title V work. Staff are also tasked with the issuance and maintenance of New Source Review (NSR) permits. Ensuring timely issuance of NSR permits so that businesses can construct and operate new sources competes with timely issuance of Title V permits for sources that are already in operation. Our practice is to prioritize applications for new sources seeking to do business in the state. However, since 2017, the distribution of time spent on cases has grown to ~65% Title V/35% NSR.
9. Are there any competing resource priorities for your Title V staff in issuing Title V permits? Yes. If yes, please describe. NSR transactions at Title V and non-Title V facilities compete with Title V Operating Permit Transactions. {See response to Question 8, above}.
10. Please describe any best practices and internal concerns with respect to staffing resources or management support that affect permit issuance.

Clear and up-to-date standard operating procedures, up-to-date document templates, and enabling more experienced staff to mentor new staff are best practices that have limited the impacts of attrition on our program.
11. Overall, what is the biggest internal roadblock to permit issuance from the perspective of resources and internal management support?

Our overall NSR caseload and NSR transactions at Title V sources can delay completion of Title V transactions.

EPA response: At times, Connecticut faces resource challenges, particularly from NSR transactions affecting Title V permit issuance. The biggest internal roadblock to timely issuance of Title V permits is the NSR caseload and transactions, which have the potential to cause delays and Title V backlog. Clear and updated standard procedures, templates, and mentorship opportunities are best practices that mitigate staff turnover's impact.
11. Is there anything that EPA can do to assist/improve your training? Yes, If yes, please describe.

Refresher training on NESHAPS like the MON Rule, some of the other chemical process NESHAPS, and training on recently issued Federal Plans under Part 62 could facilitate greater clarity when conditions are incorporated into Title V operating permits.

EPA response: EPA will consider offering NESHAP and Federal Plans under Part 62 training to improve clarity in the permitting process.

Permit Development and Issuance

Permit Issuance Rates:

12. What is the current Title V permit backlog (total outstanding initial, renewal and modification greater than 18 months)? 11, as of July 1, 2023

EPA response: As of July 1, 2023, the Title V permit backlog stands at 11 permits. This backlog represents approximately 16% of the total Title V permits.

13. If one exists, does your program have a plan in place to reduce and eventually eliminate the Title V backlog? Yes, Please describe or provide. Each calendar quarter the permitting supervisor and staff review backlogged cases and identify and prioritize which backlogged cases to focus on during the coming quarter. Additionally, staff are encouraged to identify challenges with timely applications and actively pursue resolution before the case becomes backlogged.
14. Please describe any additional comments on resources and internal management support or permit issuance. None to offer.
15. Please describe any factors that you find affect your ability to issue Title V initial, renewal, or significant modification permits within 18 months.

In general, initial Title V Operating Permits, Title V renewals and modifications are often issued within 18 months. The few that extend beyond 18 months most often have either outstanding NSR transactions or programmatic reasons that delay permit issuance. Examples include: prior statutory preclusion from issuing and enforcing permits containing conditions from 40 CFR 62, one facility's renewal is delayed by a facility rehabilitation that triggered non-attainment new source review for a significant number of subject emissions units and our EJ process, and finally a facility shutdown that resulted in extending the existing permit rather than issuing a new permit only to revoke it months later.

Compliance Related Factors:

16. Does your agency verify that the source is in compliance before a permit is issued, and if so, how?

At various times during the processing of the Title V Permit application, permit writers confer with enforcement staff to determine the compliance history and status of the applicant's facility. These conferences include direct discussions via email and reports drawn from the Department's environmental interest database, which allows Air staff to include violations in other environmental media in their recommendations with respect to the air permit application.

17. In cases where the facility is known to be out of compliance, or may be out of compliance (based on pending NOV's, or other evidence suggesting a compliance problem), are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

When noncompliance is suspected, it usually affects the Title V permit transaction in one of 4 ways:

- a. If the violations are easy to resolve and the resolution takes a fairly short period of time, they may be resolved before the issuance of a draft permit in the normal course of business. In this instance, the violation may not affect permit issuance at all. The details of the resolution of the violation may or may not accompany the Technical Support Document for the Title V Permit.
- b. If the violations are easy to resolve and the resolution takes a little bit longer (e.g., a minor source air permit or air permit modification is required to remedy the violation), sometimes the issuance of the Title V permit is delayed to address the noncompliance. In this instance, the details of the resolution of the violation may or may not accompany the Technical Support Document for the Title V permit.
- c. If the violations are in dispute, then we may issue the Title V permit based on the application and revisit the issue once the dispute is resolved.
- d. If the violations are complex and may take multiple years to resolve, then the Title V permit will include a schedule for achieving compliance. In this instance, there is usually a formal enforcement action (e.g., an administrative order or judgment) that specifies the compliance schedule. The schedule and the action items from the underlying enforcement action are typically included in the Title V permit as applicable requirements. The copies of the relevant documents from the Enforcement case file would be included in the Title V Permit case file and may accompany the Technical Support Document when distributed.

EPA response: EPA appreciates CT DEEP detailed explanation of how various compliance scenarios are managed in the permitting process. CT DEEP's response is highly informative and demonstrates a structured approach.

18. Have any unresolved permit violations created a delay in issuing Title V renewals? If so, please describe.

Yes. The violations that have most often created a delay in issuing Title V permits in the past have been violations that involve acquiring or modifying underlying NSR permits. Connecticut issues minor source and major source NSR permits. The issuance of a minor source permit and some minor source permit modifications in Connecticut can include a 30-day comment period and the opportunity to request a public hearing on that application. Consequently, the discovery of the failure to obtain/modify the permit and the remedial permitting transaction can cause a delay in processing the associated Title V Permit application.

EPA response: EPA acknowledges the occasional presence of unresolved permit violations causing delays in issuing Title V renewals. The response provided clarification and reveals that such instances are not frequent and there's a notable trend of addressing these noncompliance issues during the renewal process to ensure compliance before permit issuance.

19. What practice or guidance does your agency use to ensure that each limitation of PTE of a source is enforceable as a practical matter? (e.g., inclusion of throughput limits, short-term averaging periods, etc.).

PTE limitations in a Title V permit are most often derived from an underlying SIP approved state regulation, a permit issued in accordance with our SIP approved new source review permit program under RCSA Section 22a-174-3a, or an enforcement order (frequently, through an enforcement order that is also a Single Source SIP Revision). Consequently, these limitations are frequently constructed to be consistent with the definition of “practicably enforceable” at RCSA Section 22a-174-1(94). The limits often involve throughput limits, short-term averaging periods, CEMS and/or emissions testing to assure compliance with the limit. The limits and associated compliance demonstration requirements are detailed fully in the underlying enforceable document and supporting documentation. The Title V permit will contain all the elements necessary to assure compliance with the PTE limit because they are applicable requirements from the underlying, enforceable document but they may be grouped or presented in such a way that the relationship between these requirements is not obvious. Example: A coating throughput limitation and the monitoring, record keeping and reporting necessary to assure compliance with it may be in a series of conditions in the Title V permit. The coating content limitations and associated monitoring, record keeping and reporting necessary to assure compliance with those limitations may be another series of requirements. Ultimately, these two series of requirements factor into short-term and rolling 12-month aggregate VOC/HAP emissions limitations in the Title V Permit, but the text of the Title V permit may not state explicitly that each of these series of requirements are used to determine compliance with those emissions limits. The relationship between these series of conditions innately understood by permit writers, permittees and compliance assurance staff and underpinned by the “credible evidence” provisions of the permit.

Other Questions Related to Permit Development

20. Describe the process by which the permit writers ensure all requirements from applicable construction permits are incorporated into the Title V permit.

Copies of active construction permits and combined construction and operating permits are maintained in Bureau's file room and online with the current Title V Operating Permit. Review of those permits is a standard operating procedure of the Title V Permit drafting and review of Title V Permit application. When draft Title V permits are submitted for supervisory and management review, copies of applicable permits are provided to the reviewers.

21. Are synthetic minor limits (e.g. limits that were or are imposed to reduce PTE to avoid MACT, PSD, LEAR, RACT, etc.) specifically identified in Title V permits, and if so, how?

The limit must reside in another state and federally enforceable document (e.g. permit, regulation, order, judgment) to be incorporated as an applicable requirement into the Title V permit. It's origin and purpose is usually described fully in the technical support documents for the underlying enforceable document from which the limit is derived. The fact that the limit is designed specifically to avoid other applicable requirements may not be explicitly stated in the Title V Operating Permit or Technical Support Document (aka Statement of Basis).

22. Does your agency have a formal process for quality assuring permits before issuance? There is a standard practice documented in our Permit Writer's Guide and strictly adhered to. What are the steps in the typical review process for the final permit before it is issued (*i.e.*, attorney, inspector, technical expert, compliance, manager, or peer review)?

During the review of the permit application, permit writers may confer with counterparts in the Enforcement Division who have experience with compliance assurance activities at the facility. Staff also reviews the latest report from the Enforcement Division's review of the facility's most recent annual compliance certification and the latest full compliance inspection. At various points during the review process, the permit writer submits inquires to the Enforcement Division about any pending or outstanding compliance issues.

Prior to Tentative Determination, the permit writer makes a compliance status inquiry, obtains a response, and submits that response and the drafts of the permit, technical support document and ancillary notices and letters to a direct supervisor. This package includes all supporting documents necessary to review the permit terms and conditions (e.g., copies of orders, permits, and other enforceable documents). Following review by the supervisor, any comments and concerns are addressed with the permit writer and, the revised drafts are forwarded to the Engineering Division Director for review. The materials include any prior marked-up drafts and all other supporting documentation. Following review by the Director, any comments and concerns are addressed by the permit writer and supervisor and revised drafts are generated. The Tentative Determination, including revised drafts, is approved, and released by the Director. Once the Notice of Tentative Determination is published, the 30-day public comment period and concurrent 45-day EPA review period are initiated.

If a hearing is requested, then the Department's Office of Adjudications, schedules and convenes the hearing as an impartial referee and Hearing Officer. Comments received during the hearing are directed to the permit writer.

Any comments received, regardless of whether there is a hearing, are compiled by the permit writer and addressed in a 'Final Memo' that serves as the response-to- comments record. This memo details the comments received and the edits made to the permit in response to those comments.

The Final Memo, revised draft of the permit, the original Technical Support Document (aka Statement of Basis) and ancillary approvals letters are then reviewed by the Direct Supervisor, the Director, and the Acting Bureau Chief, in much the same manner as the draft tentative determination. For renewals and amendments, the Acting Bureau Chief's review is the last step prior to issuance of the permit. For new Title V permits, there is an additional layer of review by the Acting Deputy Commissioner of Environmental Quality.

23. What do you believe are the strengths and weaknesses of the format of your agency's permits (e.g., length, readability, compliance certifications, etc.)? Why? The greatest strength of our permit template is a measure of standardization, which provides some predictability in what a reader will see from one permit to the next. The grouping of applicable limitation, followed by associated monitoring and compliance demonstration method for that specific limitation assists in assuring compliance. Additionally, the document contains "macros" that enable the staff to generate an annual compliance certification document for permittees to complete and submit.

Public Participation & Community Engagement

24. What media (web, email, mail) and methods does your agency use for public noticing initial and renewal permits? Modifications?

The notice requirements for Title V Permit transactions are specified at [Section 22a-174-2a of the Regulations of Connecticut State Agencies](#). For those transactions that require a public notice, the regulatory text dictates publication in the newspaper of general circulation in the areas where the activity is to take place.

The Department also publishes any required Notice on its Public Notice webpage as a courtesy and sends an "e-Alert" to the list of subscribers who have a desire to receive public notices regarding any form of permit.

EPA response: Public notices in the newspaper are required under Connecticut statutes. As 40 CFR 70.7(h)(1) allows states to use electronic noticing capabilities in lieu of publishing the notice in a local newspaper, CT DEEP could reconsider this requirement.

25. What is your opinion on the most effective avenues for public notice?

Since our notice requirements are dictated by regulation there is little data to support a preference for the efficacy of any other avenue for public notice. However, there is anecdotal evidence that the courtesy “e-Alert” generates interest through “word of mouth” information transfer that can increase traffic to our Public Notice webpage or to the website of the newspaper of general circulation to find the details of a public notice.

26. On an annual basis how much is spent on public notices?

The Department does not spend anything on public notices. Applicants are required to reimburse the Department for the cost of air permit public notices. The Department will not issue any air permit until public notice and permit review fees are remitted.

27. On average, how much does it cost to publish a public notice in the newspaper (or state publication), if applicable?

a. range=\$400-\$1470, avg = \$935 (per publication)

28. Does your agency maintain mailing lists of people you think might be interested in the Title V permits you propose? How does a person or group get on the list (*e.g.*, by calling, sending an email or other written request, filling out a form on the website)?

Interested parties may subscribe to receive an “e-Alert” when a variety of types of public notices are posted to our Public Notice Website.

[Here](#) is the website to subscribe.

29. Does your agency provide notices in languages besides English? If yes, please list the languages. We do not for Title V Permit transactions.

EPA response: EPA suggests that CT DEEP consider issuing public notices in languages common to the community as a best practice. This approach helps ensure that all communities potentially affected by permitting decisions have a meaningful opportunity to participate in the process, promoting transparency and inclusivity in permitting matters.

30. What information does your agency post on your website during the public notice period?

For air permit transactions, the same text that is posted in the newspaper, the date the notice was published in the newspaper of general circulation and a copy of the draft permit.

How long is this information available on the website?

1-2 weeks after the close of the comment period, so ~45 days

31. What is your agency’s process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, monitoring reports, compliance certifications)?

Public Notices specify that copies of the application can be obtained from the applicant and that copies of the application, draft permit and any supporting documentation can be obtained from the reviewing engineer named in the Public Notice. Additionally, any interested individual may request a copy of any file documents in accordance with the Freedom of Information Act. Requested copies are most often transmitted electronically. If a requester seeks paper copies, then these can be provided at a cost per page.

32. What criteria does your agency use to determine whether an informational meeting or public hearing will be held on a draft Title V permit?

In accordance with [Section 22a-174-2a of the Regulations of Connecticut State Agencies](#), the Department shall hold a public informational hearing if requested. It only takes one person to request and initiate a public informational hearing on a Title V Permit application.

Citizens are entitled to adjudicatory hearings under a different set of laws provided they meet the standards of that body of law.

33. Does your agency reach out to specific communities beyond the standard public notification processes? If so, how does your agency determine if a community will receive enhanced public outreach?

For Title V Permit Notices, no we do not.

34. What do you believe is going well with respect to your agency's public notice procedures? The fact that air permit notice procedures are codified in regulations provides consistency, predictability, and standardization.

35. What do you believe could be improved with respect to your agency's public notice procedures? *This question is better suited to regulated entities and the protected public.*

Environmental Justice Resources

36. How is the permitting authority considering and addressing EJ issues in Title V permitting actions? How are EJ issues being addressed in other permitting programs?

The Department has a long history of commitment to environmental justice. In 2009, [Connecticut General Statute Section 22a-20a](#) was enacted. The original statute defined "environmental justice community", prescribed a process for ensuring meaningful public participation in permitting proceedings, and offered the opportunity for permit applicant to enter into a community environmental benefit agreement with the impacted municipality on behalf of the environmental justice community. The statute was amended in 2020 to make the community environmental benefit agreement mandatory for permit transactions taking place in environmental justice communities where there are more than 5 affecting facilities. The statute was recently amended in 2023 by [Public Act 23-202](#) to give the Department the

authority to require an assessment of environmental and public health stressors and authorize the Department to add conditions to or deny permits if the evaluation demonstrates that stressors in the environmental justice community are disproportionate to those in other locales.

With respect to air permitting, the EJ process described above is more often activated by NSR transactions that create new major stationary sources or expand existing major stationary sources than by Title V permit transactions. This is due, in part, to the fact that Connecticut's NSR permitting regulations are triggered at a 15 tons per year potential emissions threshold. NSR transactions must be completed for the conditions to be incorporated into Title V Operating permits. Consequently, the statutory EJ process is triggered with the NSR transaction that first authorizes the affecting activity. Typically, the EJ process isn't revisited when the requirements of the NSR transaction are incorporated into the Title V Operating Permit.

However, outcomes from the EJ process that are incorporated into the NSR permit are eventually incorporated into the Title V permit. For example, a facility in New Haven expanded its power generating capacity. As a result of public participation in the EJ process, conditions were added to the NSR permits to obtain offsetting emission reductions for the expansion (the expansion did not otherwise trigger Non-Attainment review where offsets would have been mandatory). The conditions in the NSR permit that implement the offsetting emissions reductions are also in the Title V permit.

There have been 2 instances where the Department held public informational hearings for Title V permits for facilities located in EJ communities that were not undergoing an expansion. Neither resulted in substantive changes to the permit decision or document because the comments and concerns raised were outside of the scope of existing requirements applicable to the facilities.

It is important to note that the Department is compelled by regulation to offer a public informational hearing, if requested by just 1 person, regardless of whether the facility is located in an EJ community. Thus, while many Title V transactions don't activate the EJ process, there is ample opportunity for the affected community to engage in the process.

EPA response: CT DEEP's initiative in conducting outreach through the Connecticut Equity and Environmental Justice Advisory Council (CEEJAC) is a model practice among state permitting authorities and reflects the state's commitment to a proactive approach to engaging EJ communities. In the future, to further enhance Connecticut's EJ efforts, EPA suggests CT DEEP consider providing comprehensive education to EJ communities on the Title V permitting process, emphasizing how their input can lead to substantive changes to permit decisions, particularly for Title V renewals, which offer opportunities to increase monitoring requirements.

37. List any specific examples where the permit decision or permit process was substantively altered in order to address EJ concerns. For each example, please specify how the permit decision was altered to address EJ concerns. (Examples might include extending the length of the public comment period, a decision to hold a public hearing, or enhancements to permit terms and conditions.)

As noted above, the statutory EJ Process is most often triggered by NSR transactions. In accordance with the statute, the applicant must submit a meaningful public participation plan for the Department's review prior to submitting the permit application. The applicant must facilitate meaningful public participation in accordance with the plan and report its actions to the Department. Failure to do so will result in the application being deemed "insufficient" and possibly rejected.

Meaningful public participation includes publication and posting of notice in a variety of locations and in languages spoken within the affected EJ community. Additionally, the applicant is required to hold one or more public meetings to explain the activity and make copies of the application available to the residents of the affected community. These actions must precede the submission of the permit application.

In addition to the example provided above, the EJ Process for another permit transaction resulted in the permittee scaling back the operations of some sources when other sources were dispatched to minimize increases in emissions of criteria air pollutants. Examples where the EJ process has resulted in technical changes to the air permit are few. The EJ process results in enhanced communication and public participation and community environmental benefit agreements more often than technical changes to the permit. The amendments in Public Act 23-202 will create a framework to facilitate more technical changes to permits depending on the outcome of the evaluation of environmental and public health stressors.

38. Does your agency have environmental justice (EJ) legislation, policy, or general guidance which helps to direct permitting efforts? If yes, please provide copies or online links to these documents.

[Connecticut General Statute Section 22a-20a](#)

[Public Act 23-202](#)

[DEEP Environmental Justice Program Website](#)

[DEEP Participate in the Permitting/Policy Process Website](#)

[Learn More about Environmental Justice Communities Website](#)

Incorporation of MACT Requirements into Permits

39. How does the permitting authority incorporate MACT requirements into the permit?
- Describe the permitting authority's MACT permit content structure and approach for both major and area source standards.

The Title V permit incorporates the specific emissions limitations, emissions control technology, applicable work practice standards monitoring, record keeping and reporting requirement applicable to each affected unit based on the compliance option specified by the applicant. Each term is followed by a citation to the applicable MACT standard from which the term derives.

- b. How does the permitting authority make clear which compliance option the source is using?

Each term is followed by a citation to the applicable MACT standard from which the term derives. Additionally, staff use subtitles and tailor equipment descriptions to indicate either the compliance option or equipment subcategory to facilitate compliance assurance.

- c. What process does the permitting authority have for incorporating new or revised MACT requirements into permits?

The incorporation of new MACT standards would typically be performed in accordance with the minor modification provisions of [Section 22a-174-2a of the Regulations of Connecticut State Agencies](#). These provisions allow for the source to submit an application for inclusion of the new applicable requirements. Twenty-one days after submission of the application, the source may operate in accordance with the proposed conditions that address the applicable MACT standard. Such conditions are then enforceable by the Department, even in the period before the modified Title V Permit is issued.

Additionally, the Department shall comply with applicable provisions of 40 CFR 70.7(f) and (g) regarding reopening Title V Permits for cause in accordance with RCSA Section 22a-174-33(s).

Title V Fees

40. Consistent with EPA's [2018 Program and Fee Evaluation Strategy and Guidance](#) and [2023 Fee Evaluation and Oversight Guidance for 40 CFR Part 70](#), please complete the Financial Data Form, provided as an attachment to this questionnaire. Include relevant financial information for the past three calendar years of 2020, 2021, and 2022.

EPA response: CT DEEP submitted EPA's Financial Data Form with the EPA Program Evaluation Questionnaire. Based on the state's submittal, fees adequately cover program costs, and the state retains a sustainable roll-over account year over year ensuring the program's resiliency in the event of major changes to program fees occur within the state.

41. Describe the design of your Title V program fee schedule, such as, fees based on allowable emissions or actual emissions; include any fixed fees for specific permit-related processes, complexity, application fees, etc.

Annual fees based on actual emissions from the prior year to fund the current year.

42. Describe your agency's process for revising the Title V fee schedule. Discuss if the schedule is automatically updated based on previous year's expenditures and revenues.

The applicable regulation specifies the formula to use to determine the maximum allowable \$/ton fee. The regulation also provides a mechanism to reduce the maximum allowable \$/ton fee to an amount that meets anticipated program expenses for the coming state fiscal year.

43. Provide a citation to your current Title V fee rules and attach a copy of any state issued fee guidance.

[See Section 22a-174-26 of the Regulations of Connecticut State Agencies](#)

44. Does your agency collect at least the presumptive minimum as defined in part 70? If not, please discuss why. Yes

EPA response: The CT DEEP collected at least the presumptive minimum in 2021 and 2022. However, 2020 annual program revenue dropped due to Covid Title V Fee deadline extension, preventing the collection of at least presumptive minimum that year. Program revenue for 2020 was largely collected in 2021 causing a spike in 2021 program revenue. Consequently, total program cost appeared to exceed total program revenue in 2020 by \$2,466,859 while program revenue in 2021 appeared to exceed program costs by \$2,282,214. Program costs in 2022, exceeded program revenue by \$461,206, however the shortfall was covered with rollover funds from previous years. CT DEEP indicated that the number of active Title V sources has decreased over time which has impacted Title V revenue. CT DEEP is anticipating a potential increase in Title V permits that may result from EPA's reclassification of Southwest Connecticut to severe nonattainment for the 2008 ozone NAAQS which could increase the number of Title V sources by lowering the major source threshold.

45. How often does your agency re-evaluate whether the fees assessed for the Title V sources in your program are sufficient to cover the costs of administering the Title V program?

Annually Please describe the method used. The applicable regulation specifies a maximum fee that can be billed based on current emissions, historic emissions, and the presumptive fee. We evaluate anticipated permitting and compliance activity, personnel available to perform those tasks, and develop an operating budget and plan that doesn't exceed that maximum. The operating budget and plan consider commitments under the Compliance Monitoring Strategy and permit issuance timeliness requirements in our PPA Commitments. We then reduce the \$/ton fee from the maximum to amount that meets our budget in accordance with [Section 22a-174-26 of the Regulations of Connecticut State Agencies](#).

46. How does your agency track Title V expenses and revenue (*i.e.*, separate accounts, work codes, etc.)? Specify how you track staff time allocated to Title V activities versus non-Title V activities.

Title V emission fee revenue is maintained in a non-lapsing account that is separate from other funds. Staff work time, materials, equipment, and contract services specific to Title V are assigned an activity code specific to Title V. The expenses are deducted from that specific Title V account. Expenses and revenue are tracked in the Department's enterprise accounts payable/receivable system and the statewide payroll and procurement system. Each of these can be queried to report and manage Title V finances.

47. Does your agency have any plans to update its Title V fees or fee calculation methodology in the next 2 years? **No** Please describe. **N/A**

State Feedback

Opportunity for the permitting authority to raise any issues and concerns

48. What concerns does the permitting authority have with the national program that are not addressed elsewhere in the program evaluation?
The Department would appreciate additional outreach to Region 1 states on EPA's pending rule-making/guidance regarding procedures impacting NSR in Title V Permits.
49. What issues, if any, are affecting the Title V program in your state right now that you consider particularly important? **EPA's reclassification of Southwest Connecticut to severe nonattainment for the 2008 ozone NAAQS could expand the universe of Title V sources. Since the impact can't be reasonably predicted, the Department will have to react to an increase if it occurs. This could result in increasing backlogs as the ratio of Title V sources to available staff increases. The Department anticipates that EPA will consider these impacts should an increase in Title V sources materialize due to the Reclassification.**
50. What recommendations does the permitting authority have for EPA regarding the implementation or oversight of the national Title V program?
EPA response: No response was provided on the questionnaire, however in subsequent conversation with CT DEEP, training from EPA on specific applicable requirements was the state's main recommendation.
51. What are the permitting authority's Title V program priorities for the next two years?
Reacting to the impacts of EPA's Reclassification of Southwest Connecticut and providing information and outreach to the affected towns is a primary focus. The Reclassification changed the regulatory landscape that was in place for more than 30 years. Consequently, providing adequate outreach and education to potentially affected sources, some of which haven't had significant contact with the Department's Air Bureau since the early 2000s with respect to Title V applicability, is proving to be challenging.
52. What can EPA do to help foster a successful Title V program in your state?
- Where possible, issue clear rules to standardize implementation issues.**
 - Continue to provide clear, up to date guidance.**

- c. Maintain the open, transparent, and accessible relationship between EPA Region 1 staff and Region 1 states.
- d. Make best efforts to address ozone transport and avoid further reclassifications given the impacts these can have on CT stationary sources that are already subject to some of the most stringent emissions control requirements in the country.