

**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



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Gina McCarthy  
Commissioner

December 22, 2006

William Wehrum, Acting Assistant Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 6101A  
Washington, DC 20460

**Re: Connecticut State Implementation Plan Revision to Satisfy Interstate Air Pollution  
Transport Obligations Pursuant to Clean Air Act Section 110(a)(2)(D)(i)**

Dear Administrator Wehrum:

In accordance with the U.S. Environmental Protection Agency's (EPA's) August 15, 2006 guidance concerning State Implementation Plan (SIP) submissions to meet the air pollution interstate transport obligations for the 8-hour ozone and PM2.5 national ambient air quality standards (NAAQS), I am pleased to submit Connecticut's proposed revision to its air quality SIP addressing state and federal obligations under Section 110(a)(2)(D)(i) of the Clean Air Act (CAA). The enclosed revision identifies how Connecticut has been proactive in adopting programs to ensure that the state does not contribute significantly to other states' nonattainment or interfere with maintenance of the 8-hour ozone or PM2.5 NAAQS or otherwise interfere with visibility protection or other states' efforts to prevent significant deterioration of air quality. We understand that Connecticut was placed on a 24-month sanction clock on April 25, 2005, and, should we fail to obtain approval of our Section 110(a)(2)(D) plan by May 25, 2007, EPA intends to issue a Federal Implementation Plan (FIP).

I also welcome this process as an opportunity for EPA to meet its obligations to assure that upwind states comply with the Section 110(a)(2)(D) obligations. Connecticut is penalized by its geography; we rely on timely reductions of transported pollution to receive the health benefits provided by the CAA. Now, upwind activities preclude Connecticut from attaining and maintaining the 8-hour ozone NAAQS, despite the best efforts of the Connecticut Department of Environmental Protection (CTDEP) to expeditiously reduce in-state ozone precursor emissions from many sources and to a level beyond federal requirements. Recent Connecticut control strategies include the development of new regulations to reduce volatile organic compound emissions from consumer products, architectural coatings, adhesives, asphalt paving and gas cans, and to reduce nitrogen oxide emissions from boilers and turbines. The costs for implementing these programs, in terms of dollars per ton of emissions reduced, far exceed EPA's costs estimated in the Clean Air Interstate Rule (CAIR) for controls on electric generating units (EGUs).

To date, EPA's actions to address upwind reductions have been less than adequate. EPA's promulgation of CAIR as the solution to the included states' Section 110 (a)(2)(D)(i) contributions does not adequately address EPA's obligation to assure upwind states do not significantly contribute to Connecticut's air quality problem. As shown by EPA's own modeling, CAIR simply does not reduce ozone precursor emissions enough to meet the Section 110(a)(2)(D) requirements, due in part to the use of a "highly cost effective" standard.<sup>1</sup>

While a federal court has concluded that there is nothing in the CAA to bar EPA from considering costs in the development of Section 110(a)(2)(D) remedies, that judgment does not allow EPA to avoid satisfying the one criterion set forth by Congress – prohibiting the emission of an amount of pollutant sufficient to contribute significantly to downwind nonattainment. As a consequence of limiting CAIR remedies to reductions considered "highly cost effective" regardless of the level of resulting downwind air quality improvements, EPA is missing multiple opportunities to achieve cost effective emission reductions from EGUs as well as other point, area and mobile source sectors that could help upwind states meet their CAA Section 110(a)(2)(D) obligations. As an example, the ozone provisions of CAIR address only seasonal emissions from large EGUs. States in the Northeast have come to realize that while EGU emissions spike on high electric demand days, these emissions have escaped consideration by EPA both in the modeling and in the development of cost-effective strategies.

Connecticut is in a unique situation with regard to interstate transport. EPA's modeling developed in support of CAIR shows that Connecticut is subject to levels of ozone transport exceeding that of any other state. Emissions from New York, Pennsylvania, New Jersey, Ohio, Virginia, Maryland/DC, West Virginia and Massachusetts all contribute significantly, and in aggregate they contribute overwhelmingly, to existing and projected 8-hour ozone nonattainment in Connecticut. The modeling predicts negligible improvement in peak ozone levels in Connecticut from implementation of CAIR and the level of ozone transport remaining after implementation of CAIR will likely be so large as to prevent Connecticut from attaining the 8-hour ozone NAAQS by the mandated 2010 attainment deadline -- *even if all emissions of ozone precursors in Connecticut are eliminated.*

To remedy this situation, we encourage EPA to work with us, other members of the Ozone Transport Commission (OTC) and other states to identify and implement strategies that will achieve the necessary reductions. Projected ozone improvement, not cost, must be the primary factor determining the level of control necessary in each contributing state. Fortunately, EPA's own analysis in the CAIR rulemaking suggests that cost-effective options, such as controls on EGU and non-EGU boilers and turbines, remain.

Specifically, we ask you to consider additional EGU reductions, especially those targeting peak summer demand days when high emitting units are dispatched during periods when the 8-hour ozone NAAQS is exceeded. Pursuant to Section 110(a)(2)(D), EPA is required to assure that states submit adequate SIPs. To meet its obligations, EPA should develop an expanded multi-state program to assure that Connecticut ceases to receive significant contributions from upwind states to 8-hour ozone nonattainment. EPA action beyond CAIR to

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<sup>1</sup> See the *Technical Support Document for the Final Clean Air Interstate Rule*, available at <http://www.epa.gov/cleanairinterstaterule/pdfs/finaltech02.pdf>, as interpreted in the enclosed Revision.

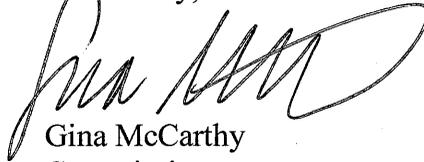
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address interstate transport would allow Connecticut to achieve clean air by the 2010 attainment deadline. The CAA mandate for a bump up of Connecticut to a higher nonattainment classification for the 8-hour ozone NAAQS, should attainment not be achieved in 2010, would have no beneficial effect to counterbalance prolonging the exposure of our citizens to unhealthy air.

Lacking appropriate EPA, OTC, and/or other state action, Connecticut will be left with no effective recourse but the courts to secure the protections afforded by the CAA. Expeditious federal efforts to address interstate transport of ozone are a far preferable approach, as reliance on litigation will only protract the time during which our citizens will be forced to breathe unhealthy air, a situation much at odds with our mutual goal of improving the quality of life through enhanced air quality.

Please contact me at 860-424-3001 with any questions or comments. Staff level inquiries regarding the enclosed revision can be directed to Anne Gobin, Chief, Bureau of Air Management at 860-424-3026.

Yours truly,

A handwritten signature in black ink, appearing to read "Gina McCarthy", written in a cursive style.

Gina McCarthy  
Commissioner

cc: Robert Varney, U.S. Environmental Protection Agency Region 1  
Amey Marrella, Connecticut Department of Environmental Protection  
Anne Gobin, Connecticut Department of Environmental Protection