



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

January 3, 2013

Anne Gobin
Chief, Bureau of Air Management
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Re: Infrastructure SIP for the 2008 Ozone Standard

Dear Ms. Gobin:

On December 28, 2012, the Environmental Protection Agency (EPA) received a revision to the Connecticut State Implementation Plan (SIP) from the Connecticut Department of Energy and Environmental Protection (DEEP). The SIP revision was submitted to address infrastructure elements of the Clean Air Act, which are necessary to implement, maintain, and enforce the 2008 ozone national ambient air quality standards in Connecticut. The EPA has determined that elements of section 110(a)(2)(A), (B), (C) to the extent it refers to enforcement, to prevention of significant deterioration (PSD) permitting programs for minor sources, and to permitting programs required by part C of title I of the CAA, (D)(i)(II), (D)(ii), (E)-(H), and (J)-(M), are complete, because they meet the completeness criteria outlined in 40 CFR Part 51 appendix V.

Connecticut has not made a submission with respect to §110(a)(2)(D)(i)(I). The D.C. Circuit's recent opinion in *EME Homer City Generation v. EPA*, 696 F.3d 7, 31 (D.C. Cir. 2012) concluded that a SIP cannot be deemed to lack a required submission or deemed deficient for failure to meet the 110(a)(2)(D)(i)(I) obligation until after the EPA quantifies that obligation. This decision is not yet final, as the mandate has not been issued, and the EPA has petitioned for rehearing *en banc*, asking the full court to reconsider that conclusion. Nonetheless, during the pendency of the appeal, the EPA intends to act in accordance with the holdings in the *EME Homer City* opinion. Therefore, at this time the EPA is neither finding that Connecticut has submitted a complete SIP with respect to §110(a)(2)(D)(i)(I), nor finding that Connecticut failed to submit a complete SIP to comply with that section.

If you have any questions on this issue, please contact David Conroy at (617) 918-1661 or Anne Arnold at 617-918-1047.

Sincerely,

Stephen S. Perkins, Director
Office of Ecosystem Protection

cc: Paul Bodner, CT DEEP

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