

December 14, 2018

Via Electronic Submission
To the Federal eRulemaking Portal
www.regulations.gov

U.S. Environmental Protection Agency
Docket ID Number: EPA-HQ-OAR-2018-0226

RE: EPA's Proposed Reclassification of Connecticut's Nonattainment Areas to Serious for the 2008 Ozone National Ambient Air Quality Standards

Dear Acting Administrator Wheeler:

The Connecticut Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to comment on the Environmental Protection Agency's (EPA's) proposed action to reclassify Connecticut's nonattainment areas to serious for the 2008 National Ambient Air Quality Standards (NAAQS) for ozone. This would be the second reclassification for Connecticut's nonattainment areas for the 2008 ozone NAAQS since having originally been designated nonattainment with a classification of marginal. As indicated in attainment plans for the 2008 ozone NAAQS, Connecticut's nonattainment problems are due to emissions from sources which Connecticut does not have the authority to control either because they originate out of state or are from mobile sources regulated by EPA or otherwise subject to California's emission standards.

EPA has consistently failed to adequately address interstate air pollution under the 2008 ozone NAAQS. Promulgation of the 2008 ozone NAAQS triggered a requirement under Clean Air Act (CAA) section 110(a)(2)(D)(i)(I) for states to submit implementation plans to prohibit sources within their boundaries from contributing significantly to nonattainment in any other state. These state implementation plans (SIPs) were due in 2011. However, it was not until 2016 that even a partial remedy for transport, the Cross-State Air Pollution Rule Update (CSAPR Update) [81 FR 74504, 26OCT16], was finalized.

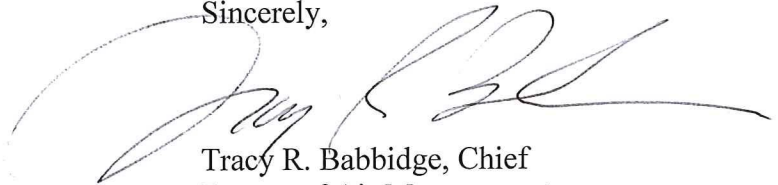
In developing the CSAPR Update, EPA limited its assessment of control strategies to those that were feasible to implement in the 2017 ozone season "...in order to assist downwind states with timely attainment of the 2008 ozone NAAQS." [81 FR 74516] This proposed reclassification demonstrates the underlying logic of the CSAPR Update was flawed. DEEP recommends EPA revisit the 2008 ozone transport rule to address the longer term control strategies it claimed were not feasible to implement by 2017 and do so in a manner that does not benefit upwind states for delaying their CAA obligations regarding transported pollutants.

DEEP is also concerned that the failures to remedy transport for the 2008 ozone NAAQS are about to be repeated for the 2015 ozone NAAQS. Connecticut is aware of no state transport SIP drafted so far this year that admits a significant contribution to Connecticut's ozone nonattainment. This is not surprising given that EPA guidance allows a state to select from various model platform results and use multiple

approaches to assessing each of the four steps necessary to conclude that there exists a significant contribution. EPA should immediately address the inconsistent approaches states use to evaluate their significant contribution to ozone transport.

Connecticut must necessarily rely on upwind states and EPA for emission reductions that will lead to attainment of the 2008 and 2015 ozone NAAQS. Therefore, DEEP urges EPA to hold upwind states fully accountable for compliance with CAA transport provisions and to refrain from taking any actions that will increase ozone precursor emissions so that Connecticut will have a plausible pathway to attain the 2008 and 2015 ozone NAAQS.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy R. Babbidge", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

Tracy R. Babbidge, Chief
Bureau of Air Management