

VIA FEDERAL RULEMAKING PORTAL

June 13, 2022

Michael S. Regan, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Attention: Docket ID Nos. EPA-HQ-OAR-2021-0741, EPA-HQ-OAR-2021-0742**

**Re: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas for the 2008 and 2015 Ozone National Ambient Air Quality Standards**

Dear Administrator Regan:

The Connecticut Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to comment on two rules that reclassify portions of the state to more stringent nonattainment designations for the 2008 and 2015 ozone national ambient air quality standards (NAAQS). These comments supplement the oral testimony given at the hearing on May 9, 2022.

At the outset it is important to note, Connecticut's persistent ozone nonattainment problems are primarily due to the overwhelming impact of emissions from sources Connecticut does not have the authority to control.<sup>1</sup> In addition to the actions outlined in this proposed rule, we need the U.S. Environmental Protection Agency (EPA) to adopt strong national control programs and take immediate action to require meaningful ozone precursor reductions, particularly by requiring upwind states to eliminate their significant contributions of pollution to Connecticut's air, if Connecticut has any chance for eventual NAAQS attainment and healthy air.

In the third reclassification for the 2008 ozone NAAQS, EPA proposes to reclassify the southwestern part of the state, consisting of Fairfield, New Haven and Middlesex counties (the Southwest Connecticut area), as severe nonattainment areas. In the remainder of the state (the Greater Connecticut area), which consists of Litchfield, Hartford, Tolland, Windham and New London counties, the monitored levels of ozone meet the 2008 NAAQS. For the more stringent 2015 ozone NAAQS of 0.070 ppm, this action would reclassify the Greater Connecticut area from marginal to moderate nonattainment. As a result, the entire state would be classified as moderate nonattainment for the 2015 ozone NAAQS.

---

<sup>1</sup> See Ozone Air Quality Assessment Tool (AQAT).(xlsx) at <https://www.epa.gov/csapr/good-neighbor-plan-2015-ozone-naaqs>. Even if Connecticut's contributions to its critical shoreline monitors were eliminated entirely, Connecticut would not be in attainment.

### 2008 Ozone NAAQS: Determination of Attainment; Reclassification as Severe

DEEP agrees with the proposed determination of attainment by the attainment date for Greater Connecticut for the 2008 ozone NAAQS. We do not expect to revert to nonattainment for the Greater Connecticut area due to our ongoing efforts to attain the 2015 ozone NAAQS and the efforts of upwind states to limit their emissions of ozone precursors.

The reclassification of Fairfield, New Haven and Middlesex counties to severe nonattainment for the 2008 ozone NAAQS will have a significant impact on many Connecticut businesses. Our current nonattainment classifications are based on the air quality control regions established under the 1-hour 1979 ozone NAAQS. Under that historical standard, most of Fairfield County and two towns in Litchfield County made up the severe nonattainment area. The remainder of the state was defined as a serious nonattainment area. Since that time, Connecticut has maintained those serious and severe nonattainment areas for the purposes of issuing new source review (NSR) and Title V permits and applying limitations on ozone precursors such as reasonably available control technology (RACT). Therefore, until this proposal, Connecticut's classifications yielded a more stringent level of control than required by EPA for each nonattainment designation and reclassification of the 8-hour ozone standards. EPA's area designations for the 8-hour ozone standards ceased to rely on the air quality control regions and instead classified the counties of Fairfield, New Haven and Middlesex as one area and the remaining five counties as the other nonattainment area.

With this reclassification to severe nonattainment, Connecticut must change its nonattainment areas to match those of EPA so that RACT, nonattainment NSR (NNSR) and Title V requirements are applied to the correct set of sources using a major source threshold of 25 tons per year of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC) and the more stringent NNSR emissions offset ratio of 1.3:1. The Southwest Connecticut nonattainment area will include 43 new towns not previously included in the original severe designation of the Southwest Connecticut air quality control region. As a result, many new major sources will be created by this change in regulatory requirements but without any change in operations or installation of any new equipment. Properly regulating such sources will be a significant undertaking for our permitting and enforcement staff as well as the numerous businesses suddenly subject to more burdensome regulatory requirements.

Although this broadening of the major source requirements to a larger part of the state will result in some local reductions of ozone precursor emissions, it will do little to bring Connecticut into attainment since our nonattainment is due primarily to upwind emissions and ozone transport<sup>2</sup> that has not been adequately addressed by EPA's transport rules. Section 181(b)(2) of the Clean Air Act (CAA) compels EPA to take the present action, yet the administrative requirements imposed on Connecticut will yield little to no statewide air quality improvements and will not achieve attainment of the ozone standards.

Connecticut has implemented a comprehensive suite of control strategies to address ground-level ozone pollution, including dozens of the most stringent regulatory requirements in any jurisdiction across all sectors. Our actions include adopting VOC limiting requirements for consumer products, coating and printing operations and at gas stations. DEEP has also adopted

---

<sup>2</sup> In addition to the information in footnote 1, *see also* DEEP's [August 8, 2017 SIP submittal](#) for Southwest Connecticut nonattainment area in which DEEP establishes that transport from upwind states is the primary cause of nonattainment in Connecticut and subsequent proposals.

NOx standards for municipal waste combustors, fuel-burning equipment and electric generating units, and the use of coal for electric generation has ceased. Within the mobile source sector, DEEP has implemented vehicle inspection and maintenance requirements for vehicles up to 14,000 pounds, summertime clean fuels regulations and California's tailpipe emission standards for new light duty vehicles. DEEP is now working to adopt California's Low NOx Omnibus and Advanced Clean Trucks rules, as well as updating light and medium duty vehicle standards to reflect those now under consideration by California.

The CAA requires that DEEP submit SIP revisions to address the 25 ton per year major source threshold for RACT and NNSR and recertify the other plan provisions of CAA sections 172(c)(1) and 182(d). The 36-month schedule for SIP and control measure adoption and implementation for the reclassification to severe under the 2008 ozone NAAQS is adequate for regulatory development and SIP preparation and submission. However, it leaves little time for the new major sources in Middlesex and New Haven counties to plan, budget and install new emissions controls. Thus, we request 48-60 months to allow the owners of impacted sources to comply.

#### 2015 Ozone NAAQS: Reclassification as Moderate

For the reclassified moderate area (Greater Connecticut) for the 2015 ozone NAAQS, EPA requires states satisfy the general air quality planning requirements of CAA section 172(c) as well as the ozone specific requirements of CAA 182(b), including reasonably available control measures (RACM) and RACT. EPA requires the RACT analysis to include an evaluation of currently available RACT for sources that emit, or have the potential to emit, 100 tons per year or more of VOC or NOx, as well as an evaluation of RACT for all sources subject to a Control Techniques Guideline.

EPA has set a SIP submission and rule implementation deadline of January 1, 2023 for RACT and RACM. As that date is a mere six months away, it is impossible for any new measure to be adopted and implemented in that time. Because of the unique process for adopting new regulations in Connecticut, after a rule is developed and stakeholder input is solicited, the formal regulatory adoption process generally takes ten to twelve months and requires the approval of a legislative committee. Only measures that are already on the books or well into the adoption process could serve as RACM or RACT for the reclassification of the 2015 ozone NAAQS, and as a result the requirement is administrative only and will not yield any environmental benefits.

Connecticut recently submitted a RACT evaluation under the 2008 ozone NAAQS for sources that emit or have the potential to emit 50 tons per year or more of VOC or NOx and has adopted regulations for sources in the state covered by all current Control Techniques Guidelines.<sup>3</sup> Hence, the RACT evaluation for the reclassification to moderate will merely certify that the existing RACT level of control is adequate. The impossible timeline is rendered irrelevant because no new control measures are required, making the requirement a purely administrative effort.

---

<sup>3</sup> See Reasonably Available Control Technology (RACT) Analysis under the 2008 and 2015 Ozone National Ambient Air Quality Standards (December 21, 2020). [Reasonably Available Control Technology \(RACT\)](#).

## New Strategies

Connecticut needs swift federal action that builds on the significant investments made by Connecticut residents and businesses to achieve clean air. We need EPA to develop and implement a set of comprehensive national and regional strategies to reduce emissions from all sources and source categories that directly impact nonattainment and yet are largely outside of our control. We request EPA:

- Adopt a revised heavy-duty NO<sub>x</sub> standard for medium and heavy-duty trucks at least as stringent as California's standards and as early as the 2027 model year;
- Revise light duty vehicle emission standards beginning with the 2027 model year and take the bold step of seeking to achieve 100 % zero emission vehicle sales nationwide by 2035;
- Accelerate the revision of current locomotive standards to reduce both NO<sub>x</sub> and particulate matter emissions; and
- Address air pollution transport fully and finally by imposing firm and timely emissions standards on all stationary sources and groups of stationary sources by 2023 and sunsetting emissions trading for such sources by 2027.<sup>4</sup>

DEEP also requests that EPA perform or fund additional research on the atmospheric chemistry of ozone precursors to provide more insight into effective ozone control strategies. Improving air quality models and emissions inventories would also assist Connecticut and EPA in devising effective strategies. Furthermore, EPA has developed the GLIMPSE model to explore the impacts of energy technologies on the environment. Early model runs suggest that the benefits of energy and mobile source policies implemented by Connecticut and other states in the Northeast will not have a significant impact on NO<sub>x</sub> emissions until 2030 or later, after the next attainment dates of 2024 and 2027 for the 2008 and 2015 ozone NAAQS.

While DEEP commits to continuing to develop and implement some of the most comprehensive ozone control policies in the nation, we strongly urge EPA do its part to end the cycle of the past fifty years of nonattainment designations and reclassifications and speed the attainment process by focusing its regulatory and scientific efforts on the upwind sources that contribute to Connecticut's nonattainment. Connecticut citizens have suffered the harms of unhealthy air from upwind states and mobile sources for far too long. It is well past time for EPA to provide a meaningful approach to attaining the ozone NAAQS so that Connecticut citizens have the benefit of clean air.

Sincerely,



Katherine S. Dykes  
Commissioner

---

<sup>4</sup> See Connecticut's comments on the Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard. Docket ID No. EPA-HQ-OAR-2021-0668.