



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

January 23, 2024

Tracy Babbidge, Director
Bureau of Air Management
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127
Tracy.Babbidge@ct.gov

Dear Ms. Babbidge:

On December 6, 2023, Connecticut Department of Energy and Environmental Protection (CT DEEP) proposed revisions to its State Implementation Plan (SIP) for its two moderate ozone nonattainment areas for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The proposed revisions include a draft ozone attainment demonstration, reasonable further progress plans, motor vehicle emissions budgets, and contingency measures. We have reviewed these proposals and are providing the following comments (see enclosure).

As you know, the main purpose of an ozone attainment plan is to document how a nonattainment area will attain the ozone NAAQS by the attainment date. The attainment date for both of these areas is August 3, 2024. Connecticut's proposed attainment demonstration SIP for the state's portion of the New York–Northern New Jersey–Long Island (NY-NJ-CT) nonattainment area does not demonstrate that the area will attain by this date, nor does it indicate when this area will attain. Given the extent to which the area's current design value exceeds the 2015 ozone NAAQS, Connecticut may submit a voluntary reclassification request under section 181 of the Clean Air Act in lieu of submitting an attainment demonstration and related contingency measures for this area as SIP revisions. Additionally, the proposed attainment demonstration for the Greater Connecticut nonattainment area does not show the area will attain by the August 3, 2024, attainment date. EPA would like to continue our discussions regarding options available to CT DEEP with regard to the Greater Connecticut nonattainment area plan. Connecticut should submit the proposed SIP revisions relating to the Greater Connecticut area to EPA as this could, if EPA finds the submittal complete, stop the sanctions clock that began on November 17, 2023, per EPA's October 18, 2023, final rule on this matter.¹

¹ 88 FR 71757.

Other portions of the proposed SIP revisions are generally consistent with the CAA and EPA guidance. Specific comments are provided within the enclosure. If you or your staff have any questions on these comments, please contact Bob McConnell of my staff at (617) 918-1046, or via e-mail at mcconnell.robert@epa.gov.

Sincerely,

Lynne A. Hamjian, Director
Air and Radiation Division

cc: Paul Farrell, CT DEEP
Pete Babich, CT DEEP
Kiernan Wholean, CT DEEP
Kristin Salimeno, CT DEEP

Enclosure: Comments on Connecticut's Proposed Attainment SIPs for the 2015 Ozone Standard

Comments on Connecticut's Proposed Attainment SIPs for the 2015 Ozone Standard

1. Section 1.1 of Connecticut's proposed attainment SIP notes the following: *"Attainment for the 2008 and 2015 ozone NAAQS in Southwest Connecticut can only be assured by securing additional emission reductions through control of sources that are outside the scope of Connecticut's authority to control, as well as through the implementation of more stringent emission standards on new light, medium, and heavy-duty vehicles in Connecticut and throughout the Ozone Transport Region (OTR)."* In 2023, EPA promulgated a final rule limiting NOx emissions from stationary sources in states found to contribute to other state's ability to attain or maintain the 2015 ozone NAAQS.² Additionally, EPA has recently either finalized or proposed regulations that will further limit NOx emissions from new light, medium, and heavy-duty vehicles.³ In addition to these actions taken by EPA to reduce NOx emissions from motor vehicles, section 177 of the Clean Air Act allows states to implement emission standards for vehicles that are identical to the standards adopted by California that are more stringent than what is otherwise required by EPA, if EPA has granted a California waiver.
2. Section 1.5 notes the following: *"Southwest Connecticut cannot attain the ozone standards without further emissions reductions from nearby upwind states and additional significant reductions from the mobile source sector. Though no longer considered significant contributors under EPA's interpretation of the CAA, nearby upwind states still provide the highest contributions to ozone exceedances in Connecticut."* Connecticut should clarify if Connecticut or the OTC performed any modeling analysis of the amount of emission reductions needed from nearby upwind states that are part of the multistate nonattainment area (NY and NJ), vs. the amount of emission reductions needed from upwind states that are not part of the area, and if so, include a description of the results. Additionally, EPA disagrees with the second sentence of this passage, as the agencies 2023 Good Neighbor rule mentioned above contains NOx emission reduction requirements for eleven states upwind of Connecticut as promulgated. EPA offers the following revision to potentially clarify the intent of this sentence: *"Though mobile source emission reductions are not contained within EPA's ozone transport rules, emission reductions from various types of mobile sources in Connecticut, New York, and New Jersey will provide the highest emission reduction and associated ozone reduction benefit to Connecticut."*

² See the "Good Neighbor" rule, finalized at 88 FR 36654; June 5, 2023.

³ See <https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-multi-pollutant-emissions-standards-model>; <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-and-related-materials-control-air-pollution>.

3. Section 3.4 indicates that “..... a baseline reduction in ozone may have occurred as a result of ongoing work-from-home practices and may be an indication of the importance of the mobile source sector in ozone production.” Connecticut should consider conducting a trends analysis in VMT or provide more information to support this possibility.
4. EPA notes that although Connecticut’s attainment demonstration does not indicate that the 2015 ozone NAAQS will be met by the August 3, 2024, attainment date, the document does provide noteworthy examples that demonstrate the progress that has been made in reducing ozone levels in the state. In particular, the discussion and information provided in Figures 3-9 through 3-11, which illustrate the lessening frequency of elevated ozone levels during high temperature days, provides an encouraging depiction of the downward trend in ozone in Connecticut. Additionally, the diminishing nature of ozone exceedances in Connecticut is described in section 2.3 where it is noted that statewide exceedances now rarely occur in Connecticut, but rather are primarily limited to coastal events.
5. Portions of Connecticut’s proposed attainment demonstration, such as the analysis in section 3.9 of satellite data measuring NO_x levels in the area, provide concrete evidence of the downward trend in levels of this pollutant. However, as noted in section 3.10, ozone levels have not shown a similar decline. Connecticut or the OTC should analyze the amount of additional NO_x reductions that are needed from within the nonattainment area and/or from upwind states outside the nonattainment area to achieve the 2015 ozone NAAQS, and a date by which this could reasonably be expected to occur to support this observation.
6. Table 7-2 shows projected average design values for 2023 for Connecticut’s monitors using various modeling platforms and indicates the state’s coastal monitors are unlikely to meet the 2015 ozone NAAQS by that year. Connecticut should discuss if the OTC performed any modeling of when Connecticut’s coastal monitors might reach this standard, and in the interim, be able to attain the 2008 ozone standard.
7. Sections 8.1 and 8.2 of the proposal discuss the exclusion of air monitoring data under EPA’s exceptional events rule at 40 CFR part 50.14. EPA received an initial notification for potential exceptional events for ozone for the Greater Connecticut Nonattainment Area on January 10, 2024. Connecticut should clarify Sections 8.1 and 8.2 in the final document to reflect recent information submitted to EPA regarding exceptional events, including the status of a potential exceptional events demonstration for the southwest CT area and the current dates proposed for exclusion for the Greater CT area.
8. Section 8.4 of the proposal indicates that Connecticut intends to move forward with adoption of regulations for an Advanced Clean Trucks and Advanced Clean Cars II programs. Connecticut should edit the final document to reflect the current status of the state’s efforts to complete the adoption of these programs.

9. Connecticut’s contingency measure submittal relies on a portion of EPA’s draft contingency measure guidance,⁴ issued in March 2023, that allows states to provide a reasoned justification explaining that no suitable control measures exist that could be adopted and held in abeyance as contingency measures. EPA’s draft guidance does afford states this option, providing, in part, the following on this matter:

“In some areas, particularly those with longstanding nonattainment problems where the air agencies have already adopted increasingly stringent measures in attainment plans over the years since EPA issued the General Preamble, the available supply of feasible measures to hold in reserve as CMs may be greatly diminished. These air agencies may be justified in adopting and submitting CMs that would result in less than one year’s worth of progress, if they have identified and evaluated all potentially applicable measures, have adopted the feasible measures necessary to expeditiously attain the relevant NAAQS, have determined that the remaining feasible measures are insufficient to achieve one year’s worth of progress, and have adequately demonstrated these points in their submission to EPA.”

Connecticut’s proposed SIP provides a thorough analysis of the state’s longstanding ozone nonattainment status, and also documents the numerous VOC and NO_x control measures implemented over the course of the past several decades to help address this problem. However, the state’s infeasibility determination needs to provide additional documentation of the steps taken to identify and evaluate all potentially applicable measures, including the resources used to identify possible controls to adopt as contingency measures, and examples of measures so identified but determined to be infeasible and the reasons for that conclusion. Section 4 of EPA’s March 2023 draft guidance provides a four-step approach to conducting an infeasibility analysis that should help Connecticut expand its examination of potential control measures, and if deemed appropriate, with documentation of a reasoned justification that no feasible contingency measures are available for use in the state.

10. Section 4.2, the “Connecticut’s Motor Vehicle Inspection and Maintenance (I/M) Program” subsection should be revised to include details of a more robust analysis, including a table illustrating the differences between Basic and Enhanced I/M programs. This could be accomplished by providing similar information as is contained within the TSD for the state’s I/M certification included as Section 6 of Connecticut’s 2008 ozone standard serious area attainment demonstration, which was submitted to EPA as a SIP revision on June 23, 2022. Furthermore, the I/M certification should also include a performance standard modeling analysis, similar to that submitted on November 17, 2022, as a supplement to the aforementioned June 23, 2022, submittal of CT’s 2008 ozone standard serious area attainment demonstration. For more information on Performance Standard modeling requirements and guidance, see EPA’s October 2022 Guidance Document (EPA-420-B-22-034) at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1015S5C.pdf>

⁴ See <https://www.epa.gov/air-quality-implementation-plans/draft-contingency-measures-guidance>.

11. Section 6.2, Table 6-1 should only list 2020 Motor Vehicle Emission Budgets for southwest CT since the December 12, 2023, RFP clarification letter (submitted as a supplement to the aforementioned June 23, 2022, submittal of CT's 2008 Ozone Serious Attainment Demonstration) clarified that only southwest CT budgets were being submitted.

12. Section 6.3, the third paragraph's opening sentence should be revised to read: "The on-road portion of the 2023 emission estimates will, after being deemed adequate or approved by EPA, become the sole governing MVEBs for Greater Connecticut and Southwest Connecticut for all Ozone-related Transportation Conformity analyses."