



January 6, 2022

VIA ELECTRONIC MAIL

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Bureau of Air Management
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**RE: Notice of Intent to Revise the State Implementation Plan for Air Quality:
Attainment Demonstration for the 2008 Ozone National Ambient Air Quality
Standards (NAAQS) and Statewide Motor Vehicle Emissions Budgets**

Ms. Salimeno:

On behalf of its 40,000 members and supporters in Connecticut, Sierra Club respectfully submits the following comments in response to the Department of Energy and Environmental Protection's (DEEP's) Notice of Intent to Revise the State Implementation Plan for Air Quality: Attainment Demonstration for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) and Statewide Motor Vehicle Emissions Budgets.

Connecticut has persistently been designated as a nonattainment area for national ambient air quality standards for ozone, having been reclassified to serious nonattainment on August 23, 2019.¹ While Connecticut has taken many steps to reducing the NOx emissions that contribute to ozone formation, including adoption of California's motor vehicle emission standards (most recently the Low Emission Vehicle III standards, which more stringently regulate the amount of NOx emitted from vehicles than federal emission standards),² Connecticut must continue to reduce its NOx emissions. To that end, Sierra Club urges DEEP to recommend adoption of the Advanced Clean Trucks (ACT) rule and the Heavy-Duty Omnibus rule promulgated by the California Air Resources Board (CARB).

The ACT rule would require truck manufacturers to increase their sales of zero-emission vehicles (ZEVs) to between 40 percent and 75 percent of the market, depending on the type of truck, between model years 2025 and 2035.³ The Heavy-Duty Omnibus rule serves as a complementary policy to the ACT by reducing emissions from new fossil fuel vehicles and would require a 75 percent reduction in nitrogen oxide (NOx) emissions from the engines in new

¹ CT DEEP, Ozone Planning Efforts, <https://portal.ct.gov/DEEP/Air/Planning/Ozone/Ozone-Planning-Efforts>.

² Revision to Connecticut's State Implementation Plan Technical Support Document, p. 1.

³ Kathy Harris & Patricio Portillo, New York Must Act on Clean Trucks, November 17, 2021, <https://www.nrdc.org/experts/kathy-harris/new-york-must-act-clean-trucks>.

gasoline and diesel trucks sold between model year 2025 and 2026, and a 90 percent reduction for trucks sold beginning in the 2027 model year.⁴

DEEP will be evaluating the need for adoption of these rules over the next several weeks pursuant to Governor Lamont's Executive Order No. 21-3, which directs DEEP to assess whether adoption of CARB's standards for medium and heavy-duty vehicles (MHDVs) is necessary to attain health-based air quality standards and necessary to meet statutorily required emission reduction targets under the GWSA by January 31, 2022.⁵ And DEEP has already recognized the opportunity presented by these regulations, stating in the *Revision to Connecticut's State Implementation Plan, Technical Support Document* that "there is more that could be done to reduce emissions from medium and heavy-duty vehicles and [Connecticut] is exploring recently adopted emission standards for these vehicle classes by the California Air Resources Board."⁶

Sierra Club urges DEEP to recommend adoption of both the ACT rule and the Heavy-Duty Omnibus rule at the conclusion of its review. While much of Connecticut's ozone problem is caused by out-of-state emissions that flow downwind into the state, these rules present a clear opportunity for Connecticut to reduce its own emissions, and Connecticut must do its part as it asks its neighbors to reduce their emissions as well. Further, several of Connecticut's neighboring states are ahead of Connecticut on this issue and have already adopted one or both of these rules. New York,⁷ Massachusetts,⁸ and New Jersey,⁹ have all adopted the ACT rule, while Massachusetts has also adopted the Heavy-Duty Omnibus rule.¹⁰ Connecticut must act alongside its neighboring states to adopt these rules and reduce its emissions.

The ACT and Heavy-Duty Omnibus rules will be critical to reducing the NOx emissions from on-road sources in Connecticut that contribute to the state's ozone nonattainment status. MHDVs in Connecticut contribute 53% of total on-road NOx emissions in the state.¹¹ As illustrated in the figure below, produced by MJ Bradley as part of its recent report, *Southern New England Clean Trucks Program: An Analysis of the Impacts of Zero-Emission Medium- and Heavy-Duty Trucks on the Environment, Public Health, Industry, and the Economy*, the ACT rule is estimated to reduce annual fleet NOx emissions by 45 percent by 2050 beyond the business-as-usual case in Southern New England as diesel and gasoline trucks are replaced with electric vehicles.¹² The Heavy-Duty Omnibus Rule will further lower annual NOx emissions as the diesel and gasoline portion of the fleet transitions to new low-NOx vehicles, reducing annual

⁴ *Id.*

⁵ Governor Lamont, Executive Order No. 21-3, December 16, 2021.

⁶ Draft 2008 Ozone SIP, at 13.

⁷ Press Release: Governor Hochul Announces Adoption of Regulation to Transition to Zero-Emission Trucks, December 30, 2021, <https://www.governor.ny.gov/news/governor-hochul-announces-adoption-regulation-transition-zero-emission-trucks>.

⁸ MassDEP, Public Hearing Notice, <https://www.mass.gov/doc/notice-of-public-comment-period-9/download>.

⁹ See Adopted New Rules: N.J.A.C. 7:27-31 and 33; and Adopted Amendment: N.J.A.C. 7:27A-3.10; https://www.nj.gov/dep/rules/adoption/adopt_20211220a.pdf.

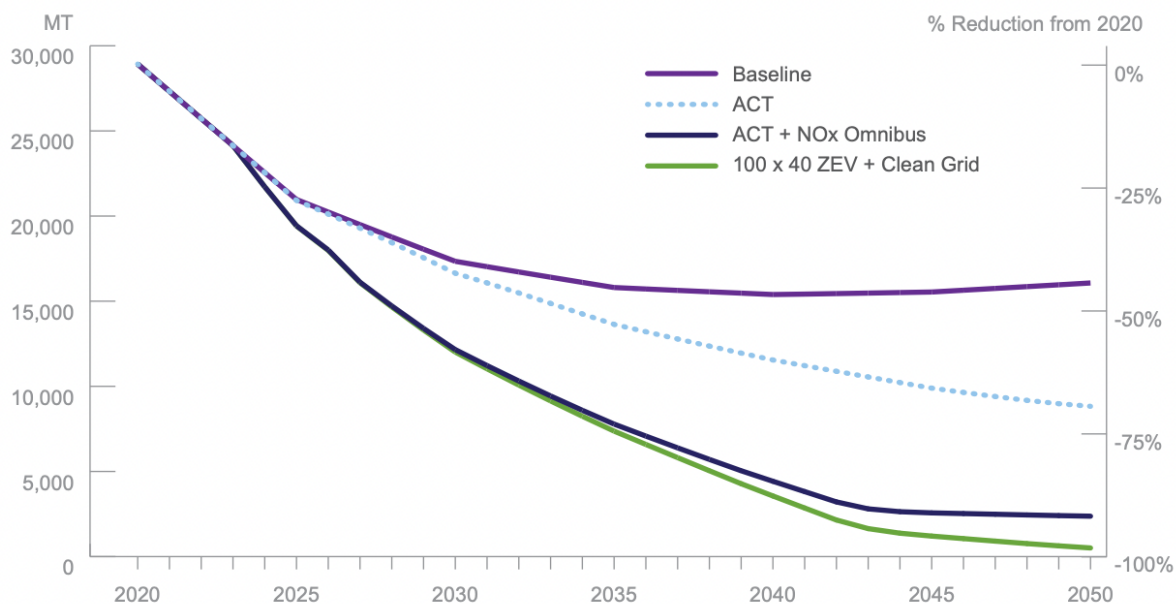
¹⁰ MassDEP, Public Hearing Notice, <https://www.mass.gov/doc/notice-of-public-comment-period-9/download>.

¹¹ M.J. Bradley and Associates, *Southern New England Clean Trucks Program, An Analysis of the Impacts of Zero-Emission Medium- and Heavy-Duty Trucks on the Environment, Public Health, Industry, and the Economy*, 2021, p. 36, available at <https://www.ucsusa.org/sites/default/files/2021-11/southern-ne-clean-trucks-report.pdf>.

¹² *Id.* at 14.

NOx emissions by 85 percent by 2050 compared to the baseline if both the ACT and Heavy-Duty Omnibus Rules are implemented.¹³

Figure 3 Projected M/HD Fleet NOx Emissions



Source: M.J. Bradley and Associates, Southern New England Clean Trucks Program: An Analysis of the Impacts of Zero-Emission Medium- and Heavy-Duty Trucks on the Environment, Public Health, Industry, and the Economy, 2021.

Adoption of these rules will not only help Connecticut reduce NOx emissions and related ozone pollution for purposes of compliance with the NAAQS, it will lead to significant real-world public health benefits in the state.¹⁴ These public health benefits include reductions in premature mortality and fewer hospital admissions and emergency room visits for asthma, as well as reduced cases of acute bronchitis, exacerbated asthma, and other respiratory symptoms.¹⁵ Adoption of both the ACT and Heavy-Duty Omnibus in Connecticut will generate \$1.2 billion cumulative public health benefits from the reduction in emissions of NOx and particulate matter.¹⁶ And as an added benefit, adopting the ACT rule will help Connecticut achieve the greenhouse gas (GHG) reduction mandates of the Global Warming Solutions Act, by reducing GHG emissions from MHDVs by 49% relative to today's levels.

¹³ *Id.*

¹⁴ M.J. Bradley, Southern New England Clean Trucks Program, at 14.

¹⁵ *Id.*

¹⁶ *Id.* at 38.

Sierra Club appreciates DEEP's consideration of these comments and looks forward to continuing to work with the Department as it moves forward in its review of these issues.

/s/ Sarah Krame

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