

**Response to Comments  
Regarding State Implementation Plan Revisions:**

**Areas Formerly Classified Moderate  
for the 2015 Ozone National Ambient Air Quality  
Standards (NAAQS)**

On December 7, 2023, the Commissioner of the Department of Energy and Environmental Protection (DEEP) published notice of intent to revise the State Implementation Plan (SIP) for air quality to address requirements under §§172 and 182(b) of the Clean Air Act (CAA) for both of Connecticut's moderate ozone nonattainment areas.<sup>1</sup> Pursuant to such notice, the proposed SIP was open for comments and a public hearing was scheduled for January 23, 2024, provided such a hearing was requested. No such request was received, and the hearing was cancelled on January 10, 2024. The public comment period remained open through January 23, 2024.

This report addresses the comments received on the proposed implementation plan revisions during the comment period and final recommendations for the plan revision based on current status of the nonattainment areas.

Written comments were received from the following persons/organizations:

1. Air and Radiation Division  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912
2. Brian C. S. Freeman  
280 Trumbull Street  
Hartford, CT 06103-3597

All comments submitted are available on the DEEP website<sup>2</sup>, together with the proposed and revised SIP.

Following the close of the comment period, DEEP submitted a [letter](#) to EPA on June 13, 2024, requesting a voluntary reclassification of the Connecticut portion of the NY-NJ-CT (Southwest Connecticut) nonattainment area from moderate to serious under CAA [§181\(b\)\(3\)](#). The letter also contained a conditional request to reclassify

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<sup>1</sup> Connecticut has two ozone nonattainment areas. The Connecticut portion of the New York-Northern New Jersey-Long Island (NY-NJ-CT) nonattainment area includes Fairfield, New Haven, and Middlesex Counties. The Greater Connecticut nonattainment area includes Litchfield, Hartford, Tolland, Windham, and New London Counties.

<sup>2</sup> <https://portal.ct.gov/DEEP/Air/Planning/Ozone/Attainment-Demonstrations-for-the-2015-Ozone-NAAQS>

the Greater Connecticut nonattainment area from moderate to serious if EPA did not approve an [exceptional event demonstration](#) submitted by DEEP on July 1, 2024, or could not otherwise approve a subsequent request from DEEP for a one-year extension under CAA [§181\(a\)\(5\)](#).

The conditions for the voluntary reclassifications were met and EPA reclassified the Southwest Connecticut nonattainment area and the Greater Connecticut nonattainment area to serious nonattainment on July 25, 2024,<sup>3</sup> and July 29, 2024,<sup>4</sup> respectively.

Additionally, on January 17, 2025, EPA published final rule, *State Implementation Plan Submittal Deadlines and Implementation Requirements for Reclassified Nonattainment Areas Under the Ozone National Ambient Air Quality Standards* [the Ozone Reclassification Rule],<sup>5</sup> establishing deadlines for nonattainment areas reclassified as Moderate, Serious, and Severe under the current and for any future ozone NAAQS. The final Ozone Reclassification Rule also codified EPA's existing interpretation that, following reclassification, a state is no longer required to address certain requirements related to the attainment date for prior classifications.

In accordance with the Ozone Reclassification Rule, DEEP is no longer required to submit a demonstration of attainment by the prior attainment date of August 3, 2024; a Reasonably Available Control Measures (RACM) analysis tied to the prior attainment date, and contingency measures specifically related to the area's failure to attain by the prior attainment date. Resultantly, DEEP has made conforming text edits as necessary for clarity and to reflect changes necessitated by the Ozone Reclassification Rule. These changes include removing from the SIP as proposed on December 7, 2023, sections 2, 3, 7, 8, and 9 along with related figures, tables, and graphics from the final submittal, removing internal cross references and renumbering the remaining sections or footnotes where needed.

DEEP will repropose the SIP elements addressed in the deleted sections in its next proposed attainment demonstration for the serious nonattainment areas which is due in early 2026. At that time, DEEP will again provide public notice and opportunity for comment. This document provides all comments submitted, but DEEP is only addressing comments that pertain to the SIP elements being finalized and submitted to EPA.

### **Comments by the U.S. Environmental Protection Agency (EPA), Region 1**

In their cover letter to the numbered comments on the SIP revisions, EPA notes that, "...[the] *attainment demonstration SIP for the state's portion of the New York–*

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<sup>3</sup> <https://www.govinfo.gov/content/pkg/FR-2024-07-25/pdf/2024-16244.pdf>

<sup>4</sup> <https://www.govinfo.gov/content/pkg/FR-2024-07-29/pdf/2024-16415.pdf>

<sup>5</sup> [90 FR 5651](#)

*Northern New Jersey–Long Island (NY-NJ-CT) nonattainment area does not demonstrate that the area will attain by this [August 3, 2024] date, nor does it indicate when this area will attain.” EPA then points out that DEEP, “...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.” EPA continues, “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.”*

**Response:** As indicated above, DEEP has voluntarily reclassified its nonattainment areas from moderate to serious nonattainment for the 2015 ozone NAAQS.

**Comment 1:** Section 1.1 of the proposed SIP explains the challenges the southwest Connecticut portion of the NY-NJ-CT nonattainment area faces when it comes to attaining the 2008 and 2015 ozone standards and explains that this challenge will persist without the help of additional emission reductions from sources outside of Connecticut’s authority to control or without more stringent motor vehicle emission standards. EPA reminds DEEP of ongoing federal measures and opportunities for state action to reduce emissions.

**Response:** DEEP continues to consider opportunities for state actions to reduce emissions and appreciates EPA’s efforts to control federal sources of air pollution.

**Comment 2:** In section 1.5 of the proposed SIP, DEEP states that “*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.*”

EPA suggests DEEP clarify whether Connecticut or the Ozone Transport Commission (OTC) have performed modeling analyses of the amount of emission reductions needed from New York and New Jersey (upwind states in the same multistate nonattainment area as CT), versus the amount of emission reductions needed from upwind states outside of the multistate nonattainment area.

Furthermore, EPA disagrees with the second sentence included in the quote mentioned above. The Good Neighbor Plan offers NO<sub>x</sub> emission reductions from 11 states upwind of Connecticut. EPA offered the following edit for the second 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.”

**Response:** DEEP has removed section 1.5 from the final SIP submittal to EPA.

**Comment 3:** In Section 3.4, DEEP states that a baseline reduction in ozone may have occurred from 2020 to 2021 as a result of ongoing work-from-home practices and that this reduction may be an indication of how important the mobile source sector is to ozone production. EPA recommends DEEP consider analyzing trends in vehicle miles traveled (VMT) or provide additional information to support the claim.

**Response:** DEEP has removed section 3 from the final SIP submittal to EPA and will reassess air quality trends as part of the next attainment demonstration.

**Comment 4:** EPA commends the noteworthy examples that DEEP provided (Figures 3-9 through 3-11) to demonstrate the progress that has been made in reducing ozone levels throughout the state. This progress is also seen in section 2.3, which notes that statewide exceedances in Connecticut rarely occur anymore, but instead are primarily limited to the coastline.

**Response:** While these figures are no longer part of the final submission to EPA, DEEP appreciates EPA's recognition of the progress and effort put forth by Connecticut.

**Comment 5:** In section 3.9, the analysis of NO<sub>x</sub> levels through the use of satellite data provides solid evidence of levels decreasing over the years. In section 3.10, it was then noted that ozone levels have not had a similar decline. DEEP or the OTC should analyze the amount of additional NO<sub>x</sub> reductions that are needed from within the nonattainment area and/or from upwind states outside the nonattainment area in order to achieve the 2015 ozone NAAQS, and a date by which this could reasonably occur to support the observation.

**Response:** DEEP has removed section 3 from the final SIP submittal to EPA.

**Comment 6:** Table 7-2 shows 2023 projected average design values at Connecticut monitors and indicates that the coastal monitors are unlikely to meet the 2015 ozone NAAQS by that year. Connecticut should discuss if OTC modeling has been done of when the state's coastal sites will attain the 2015 standard, and in the interim, the 2008 ozone standard.

**Response:** Given the reclassification to serious nonattainment for both Southwest and Greater Connecticut, section 7, including Table 7-2, were removed from the proposed SIP revision. DEEP will address projected design values in future SIP revisions.

**Comment 7:** The sections (Sections 8.1 and 8.2) discussing the exclusion of air monitoring data under EPA's exceptional events rule (40 CFR 50.14) should be updated to reflect the initial notification received by EPA from DEEP on January 10,

2024, covering the Greater Connecticut Nonattainment Area. Sections 8.1 and 8.2 should be updated to reflect the recent information submitted to EPA, specifically, the status of a potential exceptional events analysis for Southwest Connecticut and the dates included in the initial notification for Greater Connecticut.

**Response:** Based on the Ozone Reclassification Rule, DEEP has removed section 8 from the final SIP submittal to EPA.

**Comment 8:** Connecticut should update the status of the state's efforts to move forward with the adoption of regulations for the Advanced Clean Trucks and Advanced Clean Cars II programs. The final document should be edited to reflect the current status of Connecticut's efforts to adopt these programs.

**Response:** DEEP will address planned control measures in future submittals and limits discussion in this submittal to measures controlling emissions in 2023 and earlier.

**Comment 9:** Connecticut's contingency measure (CM) submittal relies on a portion of EPA's draft contingency measure guidance,<sup>6</sup> 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<sub>x</sub> 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

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<sup>6</sup> See <https://www.epa.gov/air-quality-implementation-plans/draft-contingency-measures-guidance>.

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.

**Response:** Based on the Ozone Reclassification Rule, DEEP is not required to submit contingency measures related to failure to attain at this time. DEEP’s final submittal to EPA demonstrates that Reasonable Further Progress (RFP) has been achieved through the prior attainment date. As such, no further action on contingency measures is required at this time.

**Comment 10:** In Section 4.2, the subsection detailing Connecticut’s Motor Vehicle Inspection and Maintenance (I/M) program should be revised to include a more robust analysis, including a table comparing elements of a Basic I/M program and an Enhanced I/M program, similar to that submitted in DEEP’s June 23, 2022, serious ozone SIP submittal for the 2008 NAAQS. Additionally, the I/M certification should also include a performance standard modeling (PSM) analysis.

**Response:** Note that due to the deletion of sections, proposed Section 4 has been renumbered Section 2. For ease of access and review, DEEP has made the I/M subsection its own section (Section 5) navigable through the Table of Contents.

The analysis regarding Connecticut’s I/M program contained in the proposed SIP is similar to the information contained in DEEP’s June 23, 2022, serious ozone SIP submittal for the 2008 NAAQS. Additionally, DEEP has updated the I/M program section with text and a table, as follows:

**Table 5-1. *Basic and Enhanced I/M Requirements.***

Basic I/M Program	Enhanced I/M Program
<ul style="list-style-type: none"> <li>Requires onboard diagnostic (OBD) testing on Model Year (MY) 2001 and newer vehicles.</li> <li>Requires idle testing of vehicles MY 2000 and older vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>Requires OBD testing on MY 1996 and newer vehicles.</li> <li>Requires more comprehensive tailpipe testing of MY 1995 and older vehicles.</li> </ul>
<ul style="list-style-type: none"> <li>Emission Control Device Inspection: None</li> </ul>	<ul style="list-style-type: none"> <li>Emission Control Device Inspection: Visual inspection for the presence of catalytic converter and other major emission control equipment.</li> </ul>

\* All elements of the basic program are included in the enhanced program.

After adding the above text and table, DEEP updated the table numbers throughout the section accordingly.

With respect to the PSM analysis, DEEP notes that on November 17, 2022, DEEP submitted performance standard modeling to supplement the June 23,

2022, serious ozone SIP submittal for the 2008 ozone standards. On April 1, 2025, EPA concurred with the determination that state's I/M program meets the performance standard. Consistent with EPA's 2022 PSM guidance, which allows for use of representative counties for regions where I/M programs are similar, DEEP believes EPA's April 2025 determination continues to apply to the statewide I/M program relative to this submittal. Therefore, DEEP has added the following sentence to the end of the last paragraph to the I/M section:

For the purposes of this SIP, DEEP re-certifies its I/M program as enhanced and if deemed necessary,<sup>7</sup> commits to submitting an I/M SIP performance standard modeling (PSM) assessment to EPA using EPA's October 2022 [PSM guidance](#).

**Comment 11:** On December 12, 2023, DEEP sent a clarification letter to EPA, as a supplement to the June 23, 2022, submittal of the 2008 Ozone Attainment Demonstration for Areas Classified Serious Nonattainment for the 2008 Ozone Standards, clarifying that 2020 motor vehicle emission budgets (MVEBs) were only being submitted for Southwest Connecticut. Therefore, DEEP should update Table 6-1 in Section 6.2 of the proposed SIP to only list 2020 MVEBs for Southwest Connecticut.

**Response:**

DEEP has updated Table 6-1 in the document as follows, to include 2020 MVEBs only for Southwest Connecticut:

**Table 6-1. 2020 Motor Vehicle Emission Budgets.**

2020 Motor Vehicle Emission Budgets	VOC (tons/day)	NOx (tons/day)
Greater Connecticut	N/A*	N/A*
Southwest Connecticut	17.6	23.3

\* Greater Connecticut currently attains the 2008 ozone standard, and as such, 2020 MVEBs are no longer required.

**Comment 12:** In section 6.3, DEEP should edit the third paragraph's opening sentence to specify that after being deemed adequate by EPA, the proposed 2023 MVEBs [for the 2015 NAAQS] will be the sole governing MVEBs statewide for all Ozone-related Transportation Conformity analyses (EPA suggested text underlined).

**Response:** DEEP has edited the text from:

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<sup>7</sup> On April 1, 2025, [EPA concurred](#) with the state's determination that its I/M program meets the performance standard and requirements for Enhanced I/M.

*“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.”*

To:

“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.”

### **Comments by Brian C. S. Freeman**

**Comment 1:** Mr. Freeman’s comments *“...address the application of Clean Air Act (CAA) requirements to Connecticut concerning contingency measures and Reasonable Further Progress (RFP) components, due to persistent excess ozone levels in Connecticut.”* Mr. Freeman continues by stating that, *“...excess ozone levels in Connecticut have long been overwhelmingly due to sources in upwind states. I strongly support DEEP in continuing to make the case to EPA that due to upwind transport, additional regulatory tightening on Connecticut commercial and industrial facilities will not have a material effect on ozone levels in Connecticut and therefore are not cost-effective or rationally defensible components of SIP contingency and RFP measures.”* Mr. Freeman adds, *“It therefore makes no sense to think of addressing a problem caused by upwind emissions by tightening down even further on sources on Connecticut – particularly, commercial and industrial facilities that have already achieved enormous emissions cuts over recent decades.”*

**Response:** DEEP appreciates the comment and agrees that the burden of attainment has been neither efficiently nor equitably distributed amongst the states.

### **Conclusion**

Based upon the comments submitted by interested parties and addressed in this report, I recommend that the SIP revision, revised as recommended in this report, be submitted to EPA for approval.

/s/ Kristin Salimeno  
Kristin Salimeno, Hearing Officer

April 9, 2025  
Date