Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

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May 18, 2018

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

U.S. Environmental Protection Agency
Docket ID Number: EPA-R04-OAR-2018-0142

RE: EPA's Proposed Approval of Kentucky's2008 Ozone NAAQS Interstate Transport SIP

Dear Administrator Pruitt:

The Connecticut Department of Energy and Environmental Protection (CT DEEP) submits these comments regarding EPA's proposed approval of Kentucky's Good Neighbor State Implementation Plan (SIP) for the 2008 ozone national ambient air quality standard (NAAQS). CT DEEP provided comments to Kentucky on its proposed SIP by letter dated March 29, 2018 and anticipates that Kentucky will need to make significant changes to its proposal in order to satisfy its obligations under Clean Air Act (CAA) section 110(a)(2)(D)(i)(I). Therefore, EPA should immediately end the parallel processing of Kentucky's existing proposal and take action on Kentucky's SIP revision in a manner that responds to CT DEEPs comments.

Kentucky relies on EPA's CSAPR Update modeling for 2017 and 2023 as well as modeling conducted by Alpine Geophysics for 2023 to conclude that it is in full compliance with the CAA Good Neighbor requirements for the 2008 ozone NAAQS. Both CT DEEP and the Ozone Transport Commission (OTC) have previously expressed strong concerns[1] that EPA's modeling platform, which was also used by Alpine Geophysics,[2] produces overly optimistic projections of future year ozone levels. As shown in Table 1 (attached), actual measured 2017 ozone design values are considerably higher than modeled projections by 5 to 10 ppb at all Connecticut monitoring sites, confirming this concern. Table 1 also shows that ozone contributions from Kentucky sources exceed the one percent significance threshold at two violating Connecticut monitors after scaling contributions relative to the 2017 measured air quality levels. Kentucky's failure to address this critical under prediction by the model undermines Kentucky's conclusion that it has fully met its Good Neighbor obligations to Connecticut.

Kentucky's proposed SIP also relies on modeling projections that indicate all areas outside California will achieve attainment with the 2008 NAAQS by 2023. We note that some Connecticut monitors are projected to only barely comply by this late date (see Table 7-1 in Appendix B of the proposed SIP). Notwithstanding model under prediction of future year ozone levels, Kentucky's reliance on future year modeling should be accompanied by enforceable regulations that ensure the lower future year emissions are achieved. For example, emissions from electric generating units (EGUs) are assumed in the modeling to decrease between 2017 and 2023, both annually and seasonally. Kentucky's 2017 actual ozone season NOx

[1] https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0500-0342, https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0500-0025

[2] Although Kentucky's SIP narrative briefly mentions that adjustments were made to emission inventories, no details are provided. The Alpine Geophysics document included as Appendix B to the TSD indicates in several places that the modeling they conducted did not make any adjustments to EPA's emission inventories. The associated modeling results are identical to those produced by EPA's modeling. Therefore, the Alpine Geophysics modeling also likely under predicts future year ozone levels and does not provide any additional useful information beyond that provided previously by EPA.

emissions (i.e., 20,023 tons) were less than EPA CSAPR Update budget level for the state (21,115 tons[3]). The 2023 modeling assumes ozone season EGU emissions will be even lower (16,954 tons). The projected level of 2023 emissions must be made federally enforceable, especially given the narrow margin by which EPA/Alpine modeling projects that Connecticut monitors might reach compliance in 2023.

Connecticut also challenges the selection of using a 2023 timeline for determining Good Neighbor compliance for the 2008 ozone NAAQS. Connecticut was originally designated marginal with compliance expected by the end of the 2014 ozone season. Connecticut's nonattainment areas were last reclassified to moderate, and are currently faced with another reclassification to serious with an attainment deadline of 2020. Connecticut has not met attainment due to overwhelming transport from upwind areas including Kentucky. The selection of 2023 only prolongs the unjust economic and health burden Connecticut's citizens suffer due to the failure of Kentucky and other upwind states to fully meet their Good Neighbor obligations in a timely manner.

To support the rationale for a prolonged timeframe, EPA claims that installing control devices on uncontrolled electric generating units (EGU) is unworkable based on the potential for delays due to shortages in qualified labor and material. This argument is narrowly focused and ignores the potential for immediate reductions which can be obtained by optimizing existing EGU control devices. With respect to non-EGU sources, EPA has documented multiple cost effective controls that can be implemented within one year in its "Assessment of Non-EGU NOx Emission Controls, Cost of Controls and Time for Compliance Final TSD" (dated August 2016), yet EPA simply dismisses these potential benefits as "uncertain". EPA cannot continue to invoke the prospect of an uncertain future to limit its responsibility to satisfy its statutory mandate.

EPA states that it believes that it is most appropriate to evaluate potential NOx controls on a regional, rather than state-specific basis. Yet the clear language of the CAA Section 110 calls for states to submit individual Good Neighbor SIPs based on prohibiting emissions from "…any source or other type of emission activity within the State". EPA's approach undermines the intent of the CAA and leads to the outcome that Connecticut is required to spend more to attempt to comply with the CAA than states that emit and contribute more to Connecticut's ozone problem. For example, in order to satisfy our own ozone SIP requirements CT DEEP recently promulgated a Reasonable Available Control Technology rule with a minimum control cost of $13,000 per ton of emissions reduced. Yet EPA's concern was Kentucky not incur costs approaching EPA's highly cost effective threshold of $1,400 per ton. EPA's under controlling of emissions has led to ongoing delays in attainment and additional cost burdens for Connecticut where ozone exceedances are overwhelmingly due to transported emissions.

Connecticut's concerns regarding emissions from Kentucky's sources are buttressed by the recent CAA Section 126 petition submitted to the EPA by New York.[4] New York's petition requests EPA to take action regarding stationary sources in nine upwind states, including Kentucky, that continue to interfere with attainment in the NY-NJ-CT nonattainment area for the 2008 ozone NAAQS. EPA has frequently referred to Section 126 petitions as one of the tools available to states seeking attainment with the ozone NAAQS. However, Section 126 petitions would not be required if upwind states satisfied their Good Neighbor SIP obligations in a timely manner and EPA satisfied its obligations to fully address transport in a timely manner.

EPA should fulfill its CAA obligation and require Kentucky to take proactive steps to adopt additional measures to fully meet its Good Neighbor obligations for the 2008 ozone NAAQS. The Ozone Transport Commission (OTC) recently adopted a statement identifying minimum control strategies that should be in all good neighbor SIPs.[5] All these strategies should be included in Kentucky's SIP, as well as the other

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[3] See: https://www.epa.gov/sites/production/files/2016-11/documents/budgets_ozoneseasonnox.pdf.
[4] See: http://www.dec.ny.gov/press/112981.html.
[5] https://otcair.org/upload/Documents/Formal%20Actions/GoodNeighSIPResolu_Final.pdf

points noted in the OTC statement. Additionally, targeting emissions reductions strategies on high emitting days can be especially effective for achieving maximum air quality benefit and CT DEEP urges EPA to require Kentucky to adopt such targeted strategies. Together these focused strategies can target the emissions that most effect downwind air quality exceedances.

CT DEEP is aware of and agrees with comments submitted by the States of New York, New Jersey, Maryland and Delaware regarding this proposal and EPA should treat those comments as our own.

Connecticut appreciates efforts Kentucky has made in reducing emissions thus far, but EPA must disapprove Kentucky's proposed SIP as it does not fulfill CAA Good Neighbor obligations. Should you have any questions regarding these comments, please contact Mr. Richard Pirolli at 860-424-3450 or ric.pirolli@ct.gov. We look forward to a cleaner future together.

Sincerely,

Robert E. Kaliszewski
Deputy Commissioner

REK:KK:jad

Table 1. Modeled vs Actual Contributions and Design Values (DV). *EPA modeled 2017 ozone air quality design values for Connecticut monitors with EPA modeled contributions to the monitors from the Kentucky sources compared with actual 2017 DV and KY contributions scaled to actual design values.*

Monitor	County	2017 Modeled Average DV (ppb)	Kentucky Contribution to Modeled DV (ppb)	Actual 2017 DV (ppb)	Scaled Kentucky Contribution (ppb)
Greenwich	Fairfield	74.1	0.40	79	0.43
Danbury	Fairfield	71.6	0.74	77	0.80
Stratford	Fairfield	75.5	0.44	83	0.48
Westport	Fairfield	76.5	0.45	83	0.49
East Hartford	Hartford	65.1	1.00	72	1.11
Cornwall	Litchfield	61.4	0.48	72	0.56
Middletown	Middlesex	69.5	0.88	79	1.00
New Haven	New Haven	66.8	0.37	77	0.43
Madison	New Haven	76.2	0.44	82	0.47
Groton	New London	70.8	0.28	76	0.30
Stafford	Tolland	65.7	0.52	71	0.56