

Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

October 28, 2011

The Honorable Lisa Jackson, Administrator
US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave, NW
Mail Code: 1101A
Washington, DC 20460

RE: 2008 8-Hour Ozone National Ambient Air Quality Standard:
Recommended Attainment Area Designations

Dear Administrator Jackson:

For far too long the health of Connecticut citizens has been negatively affected by unlawful levels of air pollution emanating from upwind states. This transported air pollution remains out of our regulatory reach and continues to burden both our public health infrastructure and our economic infrastructure. Connecticut is forced to bear the additional costs of health impacts and additional localized emission control requirements. Our agency has adopted a "clean hands" policy that has placed ever more stringent requirements on in-state sources as part of an effort to demonstrate to the Environmental Protection Agency (EPA) that additional upwind controls are essential to address the cumulative impact of this unresolved extra-jurisdictional problem. In sum, it is simply not equitable, just, or legal to assign a state the responsibility for addressing a problem that is impossible for it to successfully address alone. Maintaining the status quo in setting nonattainment boundaries will only perpetuate the problem.

Fortunately, the Clean Air Act (CAA) provides the EPA the tools to address Connecticut's situation, as well as those of other downwind jurisdictions. Specifically, Section 107(d)(1) of the CAA allows EPA to define a nonattainment area as "any area that does not meet (or contributes to ambient air quality in a *nearby* area that does not meet)" the applicable national standard. Previous analysis by EPA, graphically represented in Attachment A, shows the breadth of states identified by EPA as contributing significantly to Connecticut's air quality problems.

As EPA considers setting new nonattainment boundaries, we believe it is essential that EPA significantly revises its historic viewpoint that only geographically contiguous areas are "nearby" for purposes of section 107(d)(1) by changing the Agency's approach to the issue. The old model of setting numerous decentralized boundaries is too simplistic and does not adequately address an environmental, public health, and economic problem that is heavily influenced by interstate air pollution transport. The science behind ozone transport has shown that over the

The Honorable Lisa Jackson

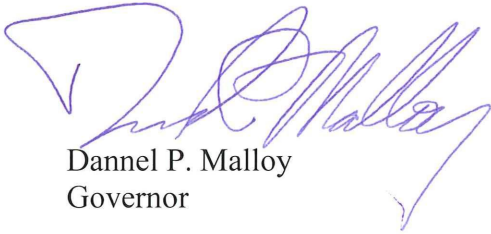
October 28, 2011

Page 2

course of hours and days vast quantities of ozone precursors from twenty or more different states travel hundreds of miles and fuel unhealthy ozone episodes. The facts of ozone transport dictate that Connecticut request EPA establish a "super-regional" ozone nonattainment area as set forth in Attachment B.

Given our understanding of both the science of ozone transport and its public health impact, it is our shared responsibility as public officials to take actions that enable us to best ensure clean air for all Americans as cost-effectively as possible and without undue hardship on any individual state. A super-regional nonattainment area would engage all affected states in the critical process of identifying and implementing cost effective regulatory interventions across the broadest possible upwind universe to reduce emissions to ensure timely attainment of national health-based air quality standards. If you have any questions related to our recommendation, please contact Connecticut Department of Energy and Environmental Protection (CTDEEP) Air Bureau Chief Anne Gobin at (860) 424-3026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dannel P. Malloy". The signature is stylized and cursive, with a large initial "D" and "M".

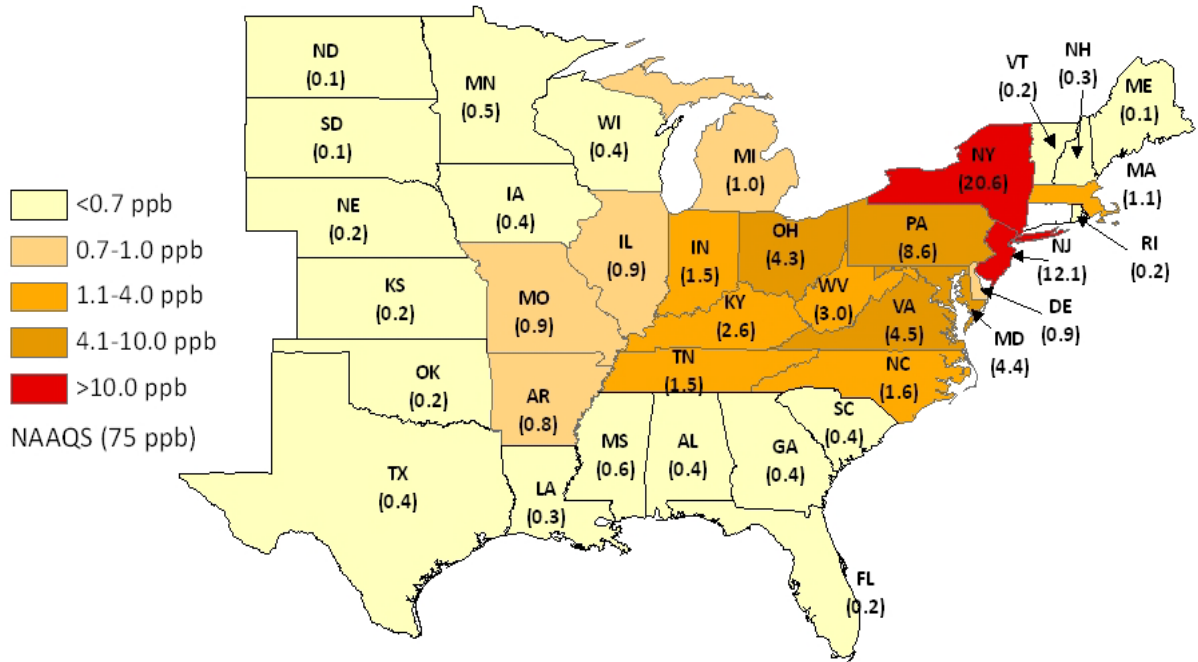
Dannel P. Malloy
Governor

Attachments

Cc: Curt Spaulding, Regional Administrator, EPA Region 1
Daniel C. Esty, CTDEEP Commissioner
Anne Gobin, CTDEEP

Attachment A

Contributing States to Connecticut's Ozone Air Quality (Contribution ppb)



Attachment B

