



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

November 23, 2011

Mr. H. Curtis Spalding, Regional Administrator  
USEPA Region 1 - New England  
5 Post Office Square  
*Mail Code:* ORA01-4  
Boston, MA 02109-3912

***Re: 2008 8-Hour Ozone National Ambient Air Quality Standard***

Dear Administrator Spalding:

On October 28, 2011, Governor Dannel P. Malloy wrote to Administrator Lisa Jackson regarding upcoming designations for the 2008 national ambient air quality standard (NAAQS) for 8-hour ozone, as required by section 107(d) of the federal Clean Air Act (CAA). The Governor requested that the United States Environmental Protection Agency (EPA) establish a super-regional nonattainment area encompassing an eighteen state area, including Connecticut. Due to the well documented phenomena of interstate air pollution transport, sources located in this area contribute to monitored air quality values in Connecticut that exceed the 8-hour ozone NAAQS of 75 parts per billion (ppb).

I am disappointed to learn that EPA staff has informed Department of Energy and Environmental Protection (Department) staff that EPA will not grant Connecticut's request for a super-regional nonattainment area. EPA's inability to consider a super-regional nonattainment area as a viable tool to address overwhelming interstate air pollution transport will continue to result in the disproportionate impact to Connecticut's economy and public health by failing to align nonattainment areas like Connecticut with regions that can control pollution sources more cost-effectively.

In light of your refusal of our request, I refer you to the previous letter sent by Connecticut to Ira Leighton on March 12, 2009, requesting that EPA establish nonattainment areas for the 2008 8-hour ozone NAAQS using the same boundaries established for the 1997 8-hour ozone NAAQS. This request sought to avoid unnecessary confusion among Connecticut's regulated community and the general public that may otherwise result from having three distinct nonattainment area boundaries within Connecticut for the 2008 8-hour ozone NAAQS. If EPA will not create a single super-regional nonattainment area, we request that the EPA revert back to having only two non-attainment areas in Connecticut: one in Southwest Connecticut tied to the New York City metropolitan non-attainment area (Fairfield, New Haven, and Middlesex counties), and the other covering the remainder of Connecticut.

Connecticut's ability to comply with the 2008 8-hour ozone NAAQS is substantially compromised due to the overwhelming influence of transported air pollution from upwind states. We have done our fair share to reasonably address local emissions in a cost effective manner, but cannot continue to shoulder a disproportionate burden that fails to yield significant benefits while giving upwind contributors a free pass. As part of the implementation of the 2008 8-hour ozone NAAQS, we expect EPA to ensure that every state fully addresses its contribution to any other state's ozone nonattainment.

Thank you for your time and consideration. If you have any questions related to this letter, please contact Anne Gobin, Air Management Bureau Chief, at (860) 424-3026.

11/23/11

Sincerely,



Macky McCleary  
Deputy Commissioner

CC: Dan Esty, Commissioner, CTDEEP  
Anne Gobin, CTDEEP