

January 23, 2024

*Via e-mail:* [kristin.salimeno@ct.gov](mailto:kristin.salimeno@ct.gov)

Kristin Salimeno  
Bureau of Air Management - Planning & Standards Division  
Department of Energy & Environmental Protection  
79 Elm St.  
Hartford, CT 06106

RE: Notice of Intent to Revise the SIP: Attainment Demonstration for the 2015 Ozone NAAQS Contingency Measures and Statewide Motor Vehicle Budgets

Dear Ms. Salimeno:

I am submitting these comments in response to the above-referenced Notice solely as a long-time practitioner in the air regulatory domain in Connecticut, and not on behalf of any client of this firm. However, these comments reflect the widespread concern about these issues as expressed by regulated parties in many conversations in recent months.

These 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.

As DEEP has long ably shown, excess ozone levels in Connecticut have long been overwhelmingly due to sources in upwind states. For years now, DEEP submittals to EPA have shown that the vast majority of ozone measured at the typically highest monitoring stations in Connecticut is due to transport from upwind states, rather than commercial and industrial facilities in Connecticut.

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. Yet

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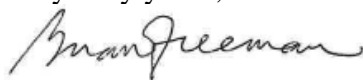
such tightening continues to happen, with significant expenditure of time and money by DEEP and regulated parties for no material gain (e.g., the recent “bump-up” of New Haven and Middlesex Counties and the Town of Shelton from serious to severe ozone nonattainment, and the ensuing regulatory scramble by regulated parties and DEEP due to “major source” NSR, Title V, and other regulatory triggers being cut by half).

No doubt, the various CAA provisions regarding nonattainment present a difficult challenge for DEEP and regulated parties. Addressing this situation will take significant joint efforts to identify any and all options within the CAA and otherwise to return the focus and expenditures on upwind sources that are driving the nonattainment.

In conclusion:

- 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.
- I (and, I’m sure, many other regulated party representatives) look forward to working with DEEP to address these challenges, with the goal of ozone attainment for Connecticut without waste of time, money and energy by Connecticut businesses who are simply not the cause of the problem.

Very truly yours,



Brian Freeman