

ATTACHMENT D

COMMENT AND RESPONSE DOCUMENT

Regarding

**Three Revisions to the State Implementation Plan for Air Quality:
Reasonably Available Control Technology Analysis under the
2015 8-Hour Ozone National Ambient Air Quality Standard Reclassification to
Moderate Nonattainment;
Certification of Adequacy of the Connecticut State Implementation Plan to Satisfy the
Nonattainment New Source Review Requirements of the Clean Air Act for the
2015 8-Hour Ozone National Ambient Air Quality Standard Reclassification to
Moderate Nonattainment; and the
Emission Statement Certification for the 2015 8-Hour Ozone National Ambient Air Quality
Standard Initial Designations and Reclassification to Moderate Nonattainment**

Prepared by
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On January 26, 2023, the Commissioner of the Department of Energy and Environmental Protection (DEEP) published a notice of intent of three revisions to the State Implementation Plan (SIP), all of which address the reclassification to moderate nonattainment for the 2015 ozone national ambient air quality standard (NAAQS). The first SIP revision addresses sections 182 and 184 of the Clean Air Act (CAA) with respect to reasonably available control technology (RACT). The second SIP revision certifies the adequacy of the SIP to satisfy the nonattainment new source review (NSR) permitting requirements of the CAA. The third SIP revision certifies that the emission statement program satisfies the requirements of section 182(a)(3)(B) of the CAA.

The notice indicated that a hearing would be held on March 9, 2023, only if a request for a hearing was received on or before February 17, 2023. As no hearing request was received, the public hearing scheduled for March 9, 2023 was cancelled. The public comment period closed on March 10, 2023.

I. Hearing Report Content

This document describes the three proposed SIP revisions, identifies principal reasons in support of and in opposition to the proposed SIP revisions, and summarizes and responds to all comments on the proposed SIP revisions.

The proposed and final SIPs will be available on DEEP's RACT web page: [Reasonably Available Control Technology \(RACT\)](#)

II. Summary of Proposals

RACT Analysis. This SIP revision addresses CAA sections 182 and 184 with respect to RACT for the reclassification of the Greater Connecticut nonattainment area to moderate nonattainment for the 2015 NAAQS. DEEP's most recent RACT SIP was submitted on December 21, 2020 for the reclassification to serious nonattainment under the 2008 ozone NAAQS and the initial designations of marginal and moderate under the 2015 ozone NAAQS, and this analysis

recognizes source emissions and regulatory requirements that have changed since the 2020 submission.

Nonattainment New Source Review Certification. DEEP certifies that its existing nonattainment NSR requirements in sections 22a-174-1 and -3a of the Regulations of Connecticut State Agencies (RCSA) satisfy the requirements of CAA section 182 and 40 Code of Federal Regulations (CFR) 51.165 for the reclassification to moderate nonattainment for the Greater Connecticut nonattainment area for the 2015 ozone NAAQS.

Emission Statement Certification. The third SIP revision certifies that the emission statement program satisfies the requirements of section 182(a)(3)(B) of the CAA for the 2015 Ozone NAAQS.

III. Opposition to the Proposals

No submitted comments oppose adoption of the proposed SIP revisions.

IV. Summary of Comments

Written comments were received from a single person:

Eric Wortman, Acting Manager

Air Quality Branch

United States Environmental Protection Agency (EPA) -- Region 1

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All comments submitted are summarized below with DEEP's responses. Comments were only received on the RACT Analysis and the Emission Statement Certification SIP revisions. If a proposed SIP narrative is revised in response to a comment, DEEP states this in the response to the comment. In addition to revisions to the proposed SIP revisions resulting from comment, DEEP also updated the discussion of federal efforts in Section II.A of the RACT Analysis to take into account rule promulgations or proposals since proposal of the SIP revisions.

Comment 1. Connecticut's RACT submittal notes that the state is considering adopting more stringent NO_x emissions limits for municipal waste combustors (MWCs) in light of a 2022 OTC report and subsequent recommendation that additional reductions beyond that which most Northeast states currently require are available from this sector. Additionally, we note that EPA's April 6, 2022, proposed Good Neighbor Plan for the 2015 ozone NAAQS solicited comment on whether states found to be contributing to nonattainment or maintenance issues in downwind states should be required to control NO_x emissions from MWCs via emissions limits that, as proposed, were similar to the limits recommended by the OTC. As noted within Connecticut's RACT submittal, it is unlikely Connecticut could adopt and implement comparable limits in order to affect the 2015 NAAQS moderate area attainment date of August 3, 2024, as controls would need to take effect during this coming year's ozone season in order to affect the design value that will be used to determine whether the moderate area attainment date is met. Therefore, we encourage Connecticut to pursue additional NO_x controls from this sector in future RACT submittals. For example, the 2008 ozone NAAQS attainment date for Connecticut's severe area is in 2027, and therefore MWC controls implemented by the prior year's ozone season in 2026 can influence whether the area reaches its attainment milestone. Therefore, the RACT certification Connecticut submits for the 2008 NAAQS severe area should consider the need to

include NO_x emissions limits from MWCs as recommended by the OTC in order to demonstrate that RACT level controls are in place for this sector.

Response to Comment 1: DEEP agrees that more stringent NO_x emission limits for MWCs are necessary for Connecticut's NO_x emission limits for MWCs to remain at a RACT level in future RACT analyses. As indicated in the RACT Analysis, DEEP is preparing a regulatory amendment to section 22a-174-38 of the Regulations of Connecticut State Agencies (RCSA) consistent with the recommendations of the OTC's Municipal Waste Combustor Workgroup Report, although that amendment process is not yet publicly available. DEEP intends to seek adoption of these more stringent NO_x emission limits, which will certainly be referenced in future RACT analyses, including the RACT submission due in 2024 for the reclassification to severe nonattainment for the 2008 ozone NAAQS for the Connecticut portion of the NY-NJ-CT ozone non-attainment area.

DEEP also notes that EPA issued the final *Federal "Good Neighbor Plan" for the 2015 Ozone NAAQS* on March 15, 2023 with the addition of MWCs at the NO_x emission limits recommended in the OTC's Municipal Waste Combustor Workgroup Report. Although Connecticut is not subject to the Good Neighbor Plan, adoption of the emissions limits recommended by the OTC will put Connecticut's MWCs on an equal level of control with those in the subject states.

Comment 2. Connecticut's RACT submittal certifies that the state has adopted VOC controls consistent with those outlined within EPA Control Technique Guideline (CTG) documents, and therefore has met the RACT requirement for source categories covered by those documents. The SIP submittal to EPA should include a discussion of whether any comments were received that disagreed with this conclusion, and if so, the state's response. Additionally, Connecticut's submittal could note instances where the state has adopted requirements that are more stringent than what a CTG requires, such as the update made in 2004 pertaining to pressure relief valves associated with Stage 1 vapor control systems.

Response to Comment 2: DEEP did not receive any comments that disagreed with DEEP's conclusion that Connecticut has adopted VOC controls consistent with those outlined within EPA Control Technique Guideline documents and therefore has met the RACT requirement for source categories covered by those documents. DEEP has included a statement to that effect in its final RACT SIP. In addition, DEEP has adopted more stringent controls than required by a CTG and has added such information to the final RACT SIP.

Comment 3. Connecticut's RACT submittal indicates that the state intends to explore whether additional VOC reductions are available from degassing, tank cleaning, and roof landing operations at large, above ground storage tanks, given that other states have determined that emission reduction control opportunities exist from these activities. We encourage Connecticut to continue its pursuit of this as it may offer additional avenues of control that could be cited in future RACT submittals and relied upon in forthcoming attainment demonstration SIPs.

Response to Comment 3: DEEP is continuing its efforts to propose additional regulatory controls for large aboveground storage tanks, particularly the use of control

equipment for degassing events during the ozone season. DEEP is also exploring the addition of optical gas imaging procedures for leak-detection inspection.

Comment 4. Connecticut’s RACM submittal notes that, given the short period of time between the Fall, 2022 bump-up of the Greater Connecticut area from marginal to moderate and the need for controls to be effective by the 2023 ozone season to impact the moderate area’s August 3, 2024 attainment date, no additional measures beyond those already scheduled for implementation in 2023 were identified. Connecticut could elaborate on this by discussing whether there are likely to be sufficient in-state controls available that could advance the area’s attainment date by one year.

Response to Comment 4: As stated in the draft RACT SIP, to be considered RACM for this analysis, a control measure must produce emission reductions in the 2021-2023 ozone seasons. As further stated in the draft RACT SIP, the Phase 2 NO_x emission limits for RCSA section 22a-174-22e go into effect on June 1, 2023. The Phase 2 NO_x emission limitations are the key stationary source control measure scheduled for implementation in 2023. The NO_x emission reductions achieved from the RCSA section 22a-174-22e Phase 2 NO_x emission limits will not be enough to advance the Greater Connecticut nonattainment area attainment date for the 2015 ozone NAAQS by a year, even in conjunction with the mobile source emissions reductions efforts in the 2023 ozone season. DEEP has added such language to the final RACT SIP.

Comment 5. Connecticut’s emission statement certification documents the regulatory requirements that ensure reporting from sources of emissions in the state whose actual emissions equal or exceed 25 tons per year of VOC or NO_x. We note that Connecticut has not yet submitted a related SIP element, that being a 2017 base year emissions inventory for its 2015 ozone NAAQS nonattainment areas, for incorporation into the SIP and should do so to fulfill, in part, its ozone nonattainment area planning obligations.

Response to Comment 5: DEEP is aware that it needs to submit its 2017 periodic emissions inventory (PEI), and we are currently finalizing the draft document. DEEP intends to make the draft 2017 PEI available for public comment in summer 2023.

VI. Conclusion

Based upon the comments addressed in this Hearing Report, we recommend the proposed RACT SIP revision be revised as recommended herein and that the resulting final RACT plan be submitted to EPA for approval.

/s/ Wendy Jacobs
Wendy Jacobs, Stationary Source Control Group

25 April 2023
Date

/s/Merrily A. Gere
Merrily A. Gere, Stationary Source Control Group

25 April 2023
Date