



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Gina McCarthy
Commissioner

December 5, 2008

Robert Varney, Regional Administrator
U.S. Environmental Protection Agency, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

**Re: *Attainment Demonstration for the Southwest Connecticut
8-Hour Ozone National Ambient Air Quality Standard Nonattainment Area***

Dear Administrator Varney:

I am writing in response to your November 17, 2008 letter regarding Connecticut's ozone attainment demonstration for the 1997 ozone national ambient air quality standard (NAAQS), which the Connecticut Department of Environmental Protection (CTDEP) submitted for U.S. Environmental Protection Agency (EPA) approval on February 1, 2008. Your letter suggests that attainment of the 8-hour ozone NAAQS is not likely to occur by the end of the 2009 ozone season, and, therefore, you are recommending that CTDEP request a voluntary "bump-up" from a moderate to a serious nonattainment classification for the Connecticut portion of the New York-New Jersey-Long Island, NY-NJ-CT 8-hour ozone nonattainment area -- or face disapproval of the attainment demonstration. Bump-up of southwest Connecticut to a higher nonattainment classification for the 8-hour ozone NAAQS results in the perverse outcome of no benefit to counterbalance the three-year prolongation of Connecticut's citizens' exposure to unhealthy air, caused largely by pollution transported from upwind areas.

The Connecticut counties of Fairfield, New Haven and Middlesex continue to experience ozone nonattainment due to their downwind location from New York City and other highly populated areas of the eastern United States. During elevated ozone episodes in Connecticut we find that the air quality measured at our border with New York exceeds the NAAQS, so there is no way for Connecticut to assure its citizens have clean air to breathe without adequately addressing the transport challenge. Connecticut has done an exemplary job reducing emissions of ozone precursor pollutants over the past several decades, but transported air pollution remains the predominant cause of high ozone levels in the southwest part of the State.

As you know, the Connecticut attainment demonstration concluded that attainment of the 1997 8-hour ozone NAAQS is possible by 2009, and highly likely by 2012. Recent data for 2008 indicate that NOx emissions from electric generators have been reduced at a faster rate than projected in the attainment demonstration. Considering the additional emissions reductions that federal and state control measures will yield in 2009, southwest Connecticut may indeed monitor fourth highest ozone levels in the 2009 ozone season that comply with the NAAQS, making bump-up, and its attendant harms, unnecessary. While there is inherent uncertainty in Connecticut's predictions of attainment, one thing is clear: because ozone levels in Connecticut are dominated by transport from upwind areas, continued air quality improvement can be

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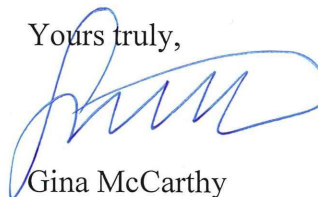
reached only by securing additional emissions reductions from upwind states that make significant contributions to nonattainment in Connecticut.

Sections 126 and 110(a)(2)(D) of the Clean Air Act (CAA) should assure relief for states like Connecticut that are subject to transported pollution from upwind states. Unfortunately, EPA's efforts to date to address the interstate transport provisions of the CAA have been woefully inadequate. The Clean Air Interstate Rule, the cornerstone of EPA's effort to address CAA Section 110(a)(2)(D), is the subject of judicial review, which may result in a complete vacatur of the rule, thereby leaving Connecticut without even the inadequate upwind reductions that CAIR would provide if implemented. EPA's recommendation that CTDEP request bump-up amounts to CTDEP requesting that Connecticut's citizens breathe dirty air for another three years and may further the continued inexcusable delay in upwind states complying with CAA Section 110(a)(2)(D). If carried forth, EPA's recommended action will serve only to place non-value adding administrative requirements on CTDEP while failing to provide benefit to either the environment or public health.

Rather than pursuing bump-up at this time, I am directing CTDEP air quality staff to develop additional control strategies to further reduce Connecticut's air pollutant emissions and begin work on the attainment demonstration for the more stringent 2008 ozone NAAQS. I see no benefit to the citizens of Connecticut to extending the timeframe for EPA to address transported emissions and committing the limited resources available to the administrative tasks associated with rewriting the entirely adequate attainment demonstration submitted to EPA on February 1, 2008. Rather, I urge EPA to work collaboratively with the states to reduce transported air pollution and to achieve full implementation of the necessary control strategies to effectively create the greatest improvement in air quality in the shortest period of time.

If you have any questions please contact Anne Gobin, Chief, Bureau of Air Management, at 860-424-3026.

Yours truly,



Gina McCarthy
Commissioner

cc: D. Conroy (EPA Region I)
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