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December 21, 2018

Ms. Sharon Davis
Bureau of Evaluation and Planning
New Jersey Department of Environmental Protection
401 East State Street, 2nd Floor
Trenton, New Jersey 08625-0420

Attn: Ozone I-SIP 70 ppb Ozone BEP 2018-1

Via email: NJDEP-BAQP@dep.nj.gov

Re: New Jersey's Infrastructure State Implementation Plan Good Neighbor Element for the 2008 and 2015 Ozone National Ambient Air Quality Standards

Dear Ms. Davis:

The Connecticut Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to comment on the New Jersey Department of Environmental Protection's (NJDEP's) proposed State Implementation Plan (SIP) revisions regarding Clean Air Act (CAA) section 110 requirements for the 2008 and 2015 ozone National Ambient Air Quality Standards ("standards"). DEEP recognizes NJDEP's regional leadership controlling emissions and appreciates the considerable efforts that New Jersey has taken to reduce ozone forming pollutant emissions to date. However, as described below, DEEP is concerned that NJDEP has not demonstrated it fulfilled its obligations to prohibit emissions from New Jersey from interfering with attainment and maintenance of the ozone standards in Connecticut as is required under the good neighbor provisions of CAA section 110.

NJDEP uses EPA's four-step process¹ to address its good neighbor requirements for the 2008 and 2015 ozone standards. NJDEP correctly indicates at step 2 of the process that emissions from New Jersey are linked to nonattainment and maintenance receptor in New York and Connecticut. However, rather than continue to step 3 to evaluate control measures, NJDEP instead ends the process noting that these linked receptors are located within New Jersey's shared multistate nonattainment area.

The CAA does not exclude multistate nonattainment areas from section 110 good neighbor requirements. Furthermore, as reclassifications of the multistate nonattainment area demonstrate, the attainment plan requirements for multistate nonattainment areas are not duplicative of, or sufficient to address, good neighbor obligations. DEEP recommends NJDEP continue its analyses and follow

¹ Memo from Peter Tsirigotis / EPA dated March 27, 2018, "Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)".

through on its good neighbor obligations such that it does not contribute significantly to nonattainment or maintenance problems at receptors outside its borders.

Though discussion related to control measures, which could be relevant to step 3, appears elsewhere in the proposed SIP, NJDEP does not evaluate how control measures might decrease contributions New Jersey makes to receptors determined to be linked at step 2. Rather NJDEP dismisses the need to evaluate control measures stating, after both the 2008 and 2015 analyses, that:

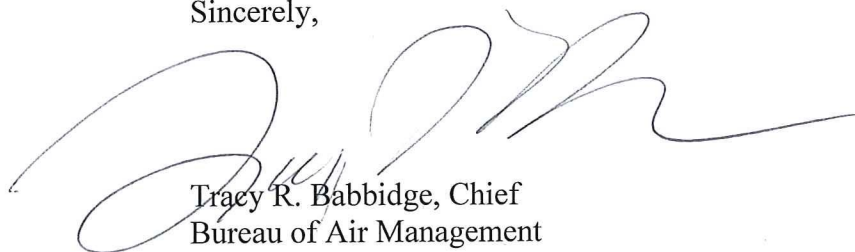
New Jersey has met and exceeded its obligation under the Good Neighbor provisions of the CAA due to existing, adopted control measures that go beyond the current measures implemented within the Greater Connecticut nonattainment area and other upwind and nearby states. Therefore, no additional measures beyond those already implemented are required or will be adopted.

This statement is particularly troubling given EPA's 2023 modeling shows New Jersey is projected to contribute more ozone to two of Connecticut's nonattainment monitors than Connecticut. DEEP recommends NJDEP revise its proposed SIP revision to complete the four-step process and implement control measures which prohibit emissions that significantly contribute to nonattainment or maintenance problems outside its borders.

DEEP acknowledges NJDEP's progress instituting stationary source control programs to reduce ozone forming pollutant emissions, however there are additional programs NJDEP can implement to further reduce ozone precursor emissions. For example, although the Regional Greenhouse Gas Initiative (RGGI) primarily addresses carbon dioxide emissions from stationary sources, significant ozone co-benefits can be achieved by investing auction proceeds into clean energy deployment and energy efficiency projects. Additionally, as mobile source emissions account for a large portion of the region's emissions inventory, DEEP recommends NJDEP continue to strengthen its mobile source control program by enhancing its electric vehicle incentives and infrastructure.

As your partner in our shared multistate nonattainment area, CTDEEP looks forward to continuing our productive and cooperative working relationship with NJDEP to assure timely attainment of the standards. Please feel free to contact Kiernan Wholean at 860-424-3425 if you have any questions regarding these comments.

Sincerely,



Tracy R. Babbidge, Chief
Bureau of Air Management