

# STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



July 31, 2009

Ira Leighton, Acting Regional Administrator  
U.S. Environmental Protection Agency  
EPA New England Regional Office  
One Congress Street, Suite 1100 (Mail Code CAQ)  
Boston, MA 02114-2023  
Docket Identification Number: EPA-R01-OAR-2008-0117

**Re: *Proposed Disapproval of Connecticut's Ozone Attainment Demonstration***

Dear Administrator Leighton:

The Connecticut Department of Environmental Protection (CTDEP) appreciates the U.S. Environmental Protection Agency's (EPA's) reopening of the comment period on EPA's proposed disapproval of Connecticut's attainment demonstration for the 8-hour ozone national ambient air quality standard (NAAQS). CTDEP strongly encourages EPA not to finalize the proposed disapproval, as disapproval is inappropriate in light of recent air quality data and will hinder air quality improvement.

Recent data trends indicate that projected emission levels and growth rates for key source categories in the ozone attainment demonstration were overestimated. For example, as shown in Figure 1 (attached), actual emissions from Connecticut's NOx Budget Program (NBP) sources have declined from 2,946 tons during the 2002 ozone season to 1,718 tons during the 2008 ozone season, significantly less than the 2008 NBP ozone season budget level of 4,466 tons and the 2009 Clean Air Interstate Rule (CAIR) budget level of 2,691 tons that were assumed in the attainment demonstration. These emission reductions occurred despite minimal variations in energy usage over the same time period (see Figure 2, attached). In addition, higher gasoline prices and the prolonged economic downturn have limited total growth in vehicle miles traveled during the 2002 to 2008 period to only 1.3%; much lower than the 7.5% growth CTDEP assumed in the attainment demonstration. The cool summer to date, along with the factors described above, are reflected in measured ozone levels, which have yet to exceed the 8-hour ozone standard of 84 ppb at any CTDEP monitor as of July 30, 2009.

If the 4<sup>th</sup>-highest ozone values recorded this summer at each monitor in the New York-New Jersey-Connecticut (NY-NJ-CT) nonattainment area do not exceed the 84 ppb threshold, the area would qualify for a one-year extension of the attainment date. Therefore, CTDEP reiterates its request that EPA delay final action on CTDEP's 1997 ozone NAAQS attainment plan until the conclusion of the 2009 ozone season. Should measured fourth highest 8-hour ozone levels at one or more monitors in the NY-NJ-CT nonattainment area exceed the 84 ppb threshold for attainment, CTDEP will be prepared to consider reclassification.

In addition to providing this recent data, CTDEP offers corrections to two assertions made by EPA in the proposed disapproval:

- Energy efficiency measures. EPA appears to believe that CTDEP included energy efficiency in the attainment plan as a creditable control measure, and is criticizing CTDEP for not quantifying the emissions reductions. *See* 74 FR 21574, col. 3. However, CTDEP included energy efficiency measures as weight-of-evidence, as CTDEP understands that the emissions reductions calculated may not be acceptable to EPA. CTDEP is hopeful that EPA will soon change its required demonstrations with regard to energy efficiency measures, because the current guidelines are administratively impractical and seem to contradict the energy policies of the Obama administration. Nonetheless, we are glad that EPA recognizes that energy efficiency measures have the potential to reduce emissions over time. As a supplement to Table 8.5.5.3 of Section 8 of the attainment demonstration, CTDEP offers up-to-date estimates of the emissions reductions anticipated from energy efficiency programs administered through Connecticut's Energy Conservation Management Board. *See* Table 1 (attached). Based on data provided by the Energy Conservation Management Board,<sup>1</sup> energy efficiency projects implemented under this program since 2003 provide approximately 1.5 tons/day of avoided NOx emissions that have not been taken credit for in the attainment demonstration. The estimated 1.5 tons per day is conservative as it does not include energy efficiency measures funded through revenues created by the CTDEP's participation in a regional carbon dioxide budget trading program or projects funded by the American Recovery and Reinvestment Act.
- CAA Section 182(j). CTDEP strongly disagrees with EPA's assessment that Connecticut did not comply with CAA Section 182(j). Staff from CTDEP, New York Department of Environmental Conservation and New Jersey Department of Environmental Protection coordinated extensively in the modeling analyses and interpretations. While the CAA requires states to coordinate their activities, it certainly does not require states to always concur. To do so would violate the intent of the CAA and breach the state - federal partnership that is critical to the successful pursuit of our mutual clean air goals. To the extent that our attainment plans differ with respect to their recommended disposition, it reflects that we are differently situated with respect to our regulatory frame works and our geography. New York's request for reclassification should not, by itself, require EPA to disapprove Connecticut's attainment demonstration, particularly given 2009 air quality data.
- Transport. As both CTDEP and EPA have acknowledged, the high ozone levels measured in Southwest Connecticut are predominantly the result of transported ozone

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<sup>1</sup> See Table B, page 24, "Report of the Energy Conservation Management Board Year 2008 Programs and Operations" March 1, 2009 available at:

<http://www.ctsavesenergy.org/files/2008%20ECMB%20Annual%20Legislative%20Report.pdf>

and precursor emissions. As I stated in my June 8, 2009 letter in this docket, noticeable improvements in monitored ozone levels in the Connecticut portion of the NY-NJ-CT nonattainment area will result from additional emission reductions from upwind states that make significant contributions to nonattainment in Connecticut. In contrast, EPA's proposed disapproval of Connecticut's attainment demonstration, and the potential imposition of sanctions in Connecticut, will fail to improve air quality in the nonattainment area and may have the perverse result of making it more difficult for Connecticut to pursue measures to improve air quality. For example, one consequence of any final disapproval would be an immediate conformity freeze, in which new conformity determinations and transportation plans are restricted. New projects, even projects that might have a beneficial effect on air quality or those funded by federal stimulus monies, would be thwarted. More fundamentally, disapproval by EPA would fail to address the root cause of high ozone levels in Connecticut – inadequate and possibly illegal State Implementation Plans in upwind states that significantly contribute to our nonattainment.

Despite the overwhelming influence of upwind emissions to Connecticut's air quality, CTDEP fully understands its responsibilities to limit in-state ozone precursor emissions in relation to attainment of the 1997 and 2008 8-hour ozone NAAQS. CTDEP continues to seek the adoption of all reasonable and appropriate control strategies.

If you have any questions concerning this letter, please contact Anne Gobin, Chief of the Bureau of Air Management. Thank you for the opportunity to set out our concerns and request that EPA focus its efforts on action that will further our mutual air quality goals.

Yours truly,



Amey W. Marrella  
Acting Commissioner

Attachments

cc: Anne Arnold, EPA Region 1  
Anne Gobin, CTDEP

Figure 1

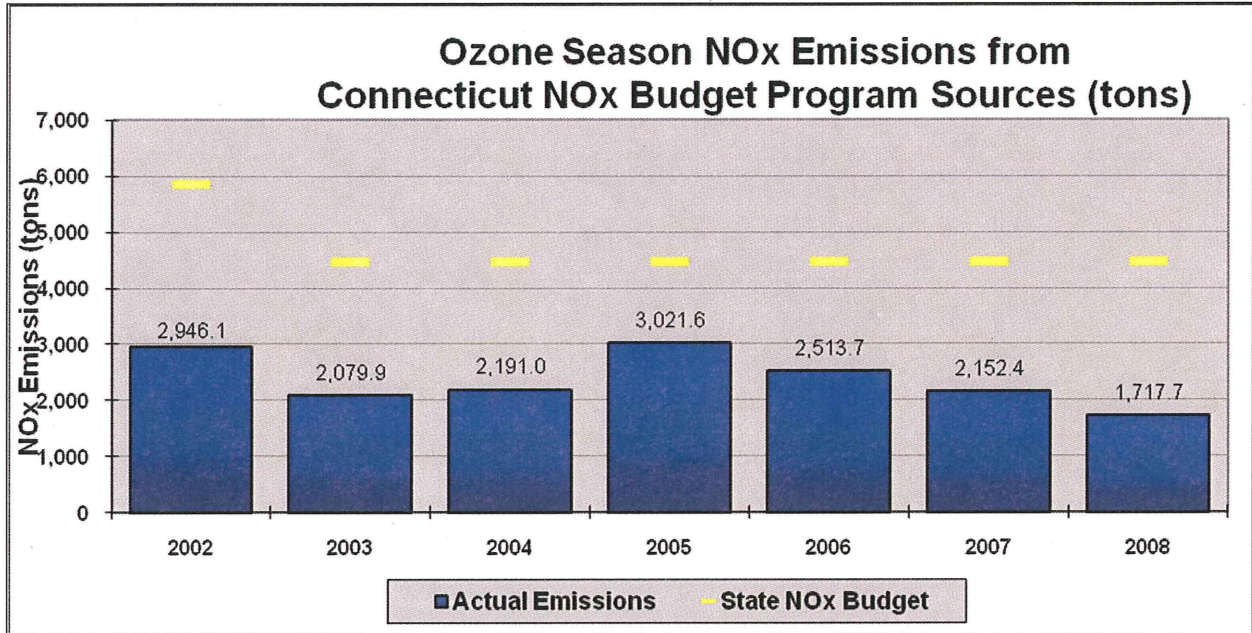
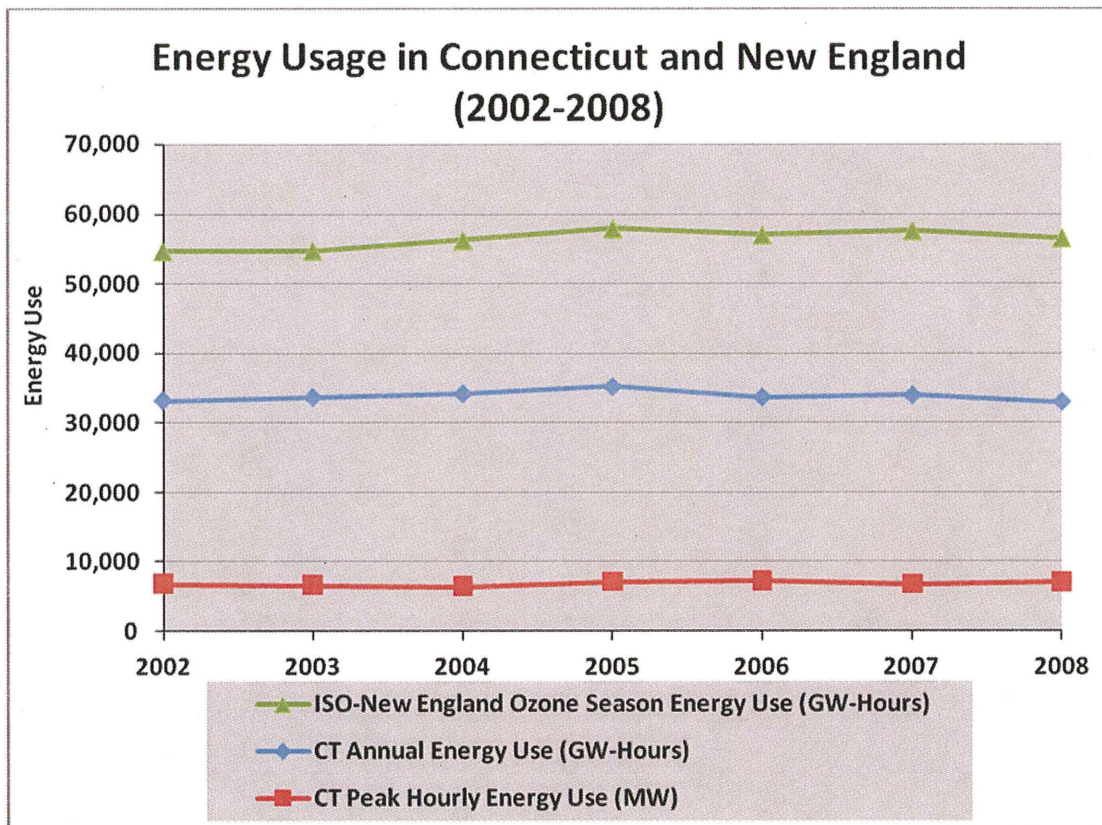


Figure 2



**Table 1**  
**Energy Savings and NOx Emissions Avoided/Reduced from**  
**Connecticut Energy Efficiency Fund Projects (2003-2008)**

<b>Year</b>	<b>Annual Energy Saved (Thousands MWh)</b>	<b>Cumulative Energy Saved (Thousands MWh)</b>	<b>NOx Avoided or Reduced (Tons/Year)</b>	<b>Cumulative Lifetime NOx Avoided or Reduced (Tons)</b>
<b>2003</b>	131	131	73	1151
<b>2004</b>	291	422	112	1548
<b>2005</b>	318	740	123	1702
<b>2006</b>	328	1068	89	1243
<b>2007</b>	355	1423	104	1258
<b>2008</b>	368	1791	58	672
<b>TOTALS</b>	<b>1791</b>	<b>1791</b>	<b>559</b>	<b>7574</b>