

June 15, 2012

David Conroy, Chief, Air Programs Branch
U.S. Environmental Protection Agency, Region 1
5 Post Office Square- Suite 100 (Mail Code OEP05-2)
Boston, MA 02109-3912

Re: Update to Connecticut PM_{2.5} Infrastructure Submittals

Dear Mr. Conroy:

The Connecticut Department of Energy and Environmental Protection (DEEP) has submitted State Implementation Plan (SIP) revisions addressing the adequacy of DEEP's SIP with respect to section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 1997 and 2006 fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS). At your request, DEEP is submitting this letter to provide the current status of certain regulatory revisions necessary to satisfy the infrastructure elements and to provide you with new information concerning one of the infrastructure elements.

DEEP is currently seeking the revision of its prevention of significant deterioration (PSD) permit program to add increments, significant emission rate thresholds, and significant impact levels for PM_{2.5} consistent with the U.S. Environmental Protection Agency's (EPA's) implementation rules. The regulatory revision process is moving forward; the committee of the Connecticut General Assembly responsible for regulatory review is scheduled to review the PSD program revisions on June 26, 2012. If the proposal is approved by the committee, DEEP expects to complete the adoption process by mid-July. Once the proposed revisions are effective in Connecticut, DEEP will submit them immediately to EPA.

With respect to procedural steps necessary to formalize DEEP's current practice of making all required notifications pursuant to CAA Section 126 and the PSD program requirements of 40 Code of Federal Regulations (CFR) section 51.166(q), DEEP proposed such revisions to its permit program notification requirements on January 31, 2012. This proposal will make the requirements of section 22a-174-2a(b)(5) and (6) of the Regulations of Connecticut State Agencies consistent with CAA section 126, 40 CFR 51.166(q) and 40 CFR 70.7(h) and 70.8(b). Having recently received approval from the Office of Attorney General to move forward with the proposed revisions, DEEP expects the proposed revisions to be scheduled for review by the General Assembly committee in August 2012. If approved by that committee, DEEP would seek to complete the revision process by mid-September and would then submit the revisions to EPA as quickly as possible. DEEP has no pending obligations under CAA sections 115 or 126.

EPA has brought to DEEP's attention the requirement of CAA section 128(a)(2), which requires that a SIP contain adequate provisions requiring the DEEP commissioner to disclose any potential conflicts of interest. Connecticut has in place conflict of interest provisions that are broader than EPA's minimum requirements and that apply to all state employees and public officials. Connecticut's requirements, which are set out in section 1-85 of the Connecticut General Statutes (CGS), prevent DEEP's commissioner from acting on a matter when a substantial conflict of interest exists. CGS section 1-85 is available at the following link: <http://www.cga.ct.gov/2011/pub/chap010.htm#Sec1-85.htm>. DEEP intends to submit the statute into the SIP prior to September 2013. The submitted conflict of interest provisions will apply not only to the 1997 and 2006 PM_{2.5} NAAQS but also the 2008 lead NAAQS, for which the infrastructure SIP was submitted on October 13, 2011, and the 1997 8-hour ozone NAAQS, for which the infrastructure SIP was submitted on December 28, 2007 and approved July 8, 2011.

In summary, prior to September 2013, DEEP expects to provide EPA with all the outstanding elements necessary to satisfy Connecticut's infrastructure requirements for the PM_{2.5} NAAQS. I hope this additional information allows EPA to move forward with the process of approving Connecticut's PM_{2.5} NAAQS infrastructure SIP submissions. Please contact me if you need any additional information.

Sincerely,



Anne R. Gobin, Chief
Bureau of Air Management

cc: Alison Simcox, EPA Region 1