



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

October 1, 2016

Mr. H. Curtis Spalding, Regional Administrator
United States Environmental Protection Agency Region 1
EPA New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912

***Re: 2015 8-Hour Ozone National Ambient Air Quality Standards
Recommended Attainment Area Designation for Connecticut***

Dear Administrator Spalding:

Pursuant to section 107(d) of the Clean Air Act (CAA), the State of Connecticut is required to submit designation recommendations to the Environmental Protection Agency (EPA) for the 2015 8-Hour Ozone National Ambient Air Quality Standards. Based on the nature of ozone formation and transport, Connecticut would like to recommend the entire northeast region of the country be included in a single nonattainment area as identified in the attached map (Attachment 1). This map, which includes data from EPA's contribution modeling for the Cross State Air Pollution Rule (CSAPR) Update, identifies the contribution of each state to ozone levels in Connecticut.

The CSAPR Update was only finalized this past month – not soon enough to assist Connecticut in attaining the 2008 ozone standards on the original schedule anticipated by EPA. Unfortunately, while Connecticut continues to adopt every reasonable measure to attain the standards as expeditiously as possible, the magnitude of the transport problem has hindered and delayed our attainment of the 2008 ozone standards. Without significantly increased effort on the part of upwind states, ozone transport will prevent us from attaining the more stringent 2015 ozone standards.

While the region described in Attachment 1 includes all the states that contribute significantly to ozone levels in Connecticut that exceed the 2015 ozone NAAQS, we recognize that you are constrained in accepting our recommendation by a court ruling¹ that took a narrow interpretation of the CAA with respect to the impact of *nearby* areas on ozone nonattainment designations. Given EPA's decision to narrowly constrain the definition of the term "nearby" under the CAA, a logical alternative is to merge the Philadelphia and New York metropolitan areas into a single nonattainment region. This smaller region, which includes highly interconnected urban areas lying along a

¹ *Mississippi Commission on Environmental Quality v. EPA*, 790 F.3d 138, 160 (D.C. Cir. 2015).

congested interstate highway system, confines the nonattainment area to the states which are the greatest contributors to ozone transport into Connecticut. This option is shown in Attachment 2.

The transport of ozone and its precursor pollutants from upwind states has resulted in unacceptable air quality in Connecticut for too long. Our businesses and citizens continue to bear an unreasonable share of the financial and public health consequences of ozone transport.

The CAA was amended in 1990 with the intent of addressing the ozone transport problem. Unfortunately it has not fulfilled expectations in this regard. This is the fourth time since 1990 that Connecticut has gone through a nonattainment designation largely caused by transported ozone and precursors from upwind states. Connecticut lacks the regulatory authority to prevent upwind states from degrading our air quality and must rely on federal action to force upwind states to remedy ozone transport. We hope that EPA will accept an expanded nonattainment area to help address this as yet intractable transport problem.

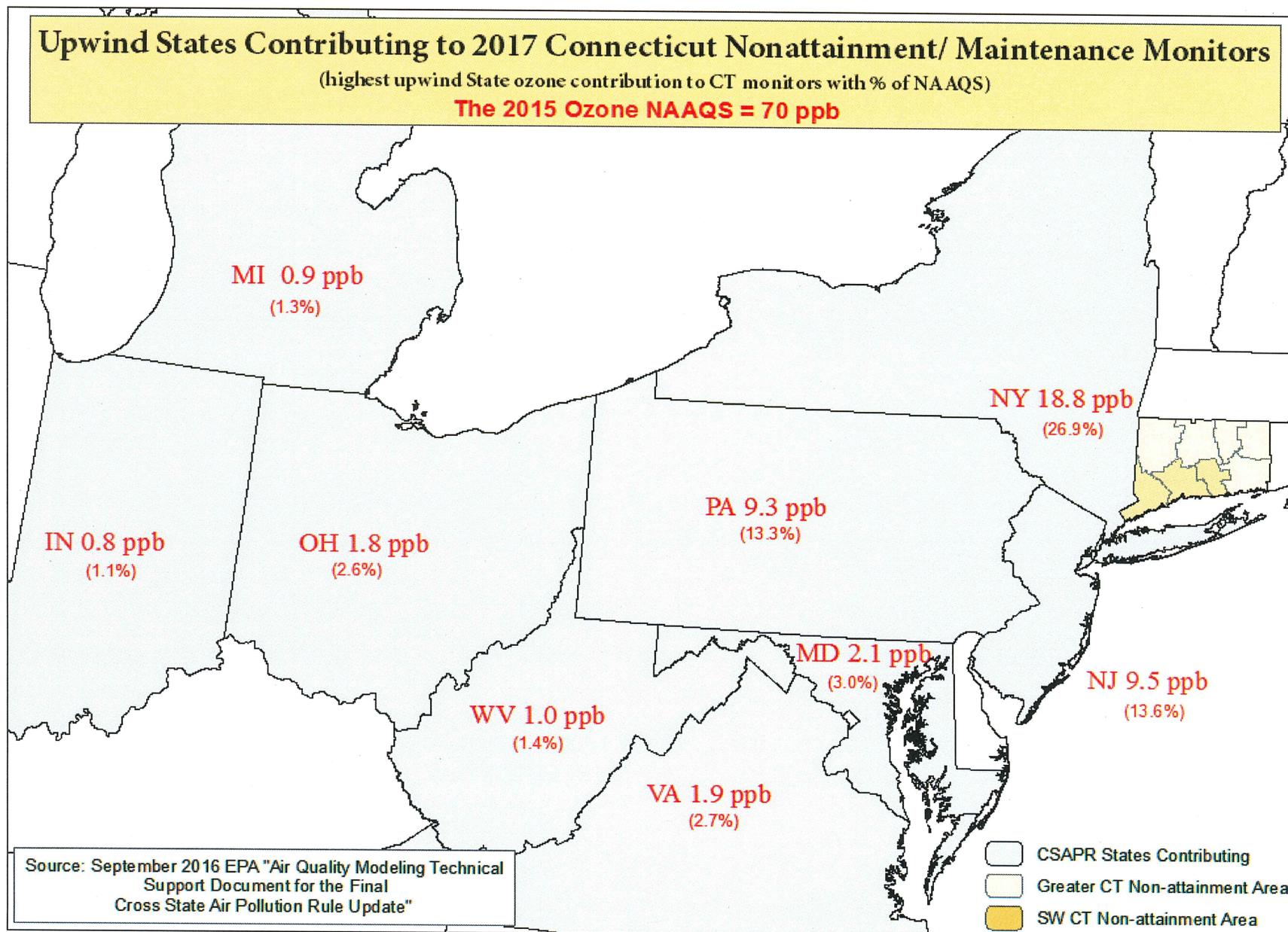
Should EPA conclude no change in the process is warranted, we have attached the requisite documentation which, following EPA guidance², preserves the status quo (Attachment 3).

Sincerely,



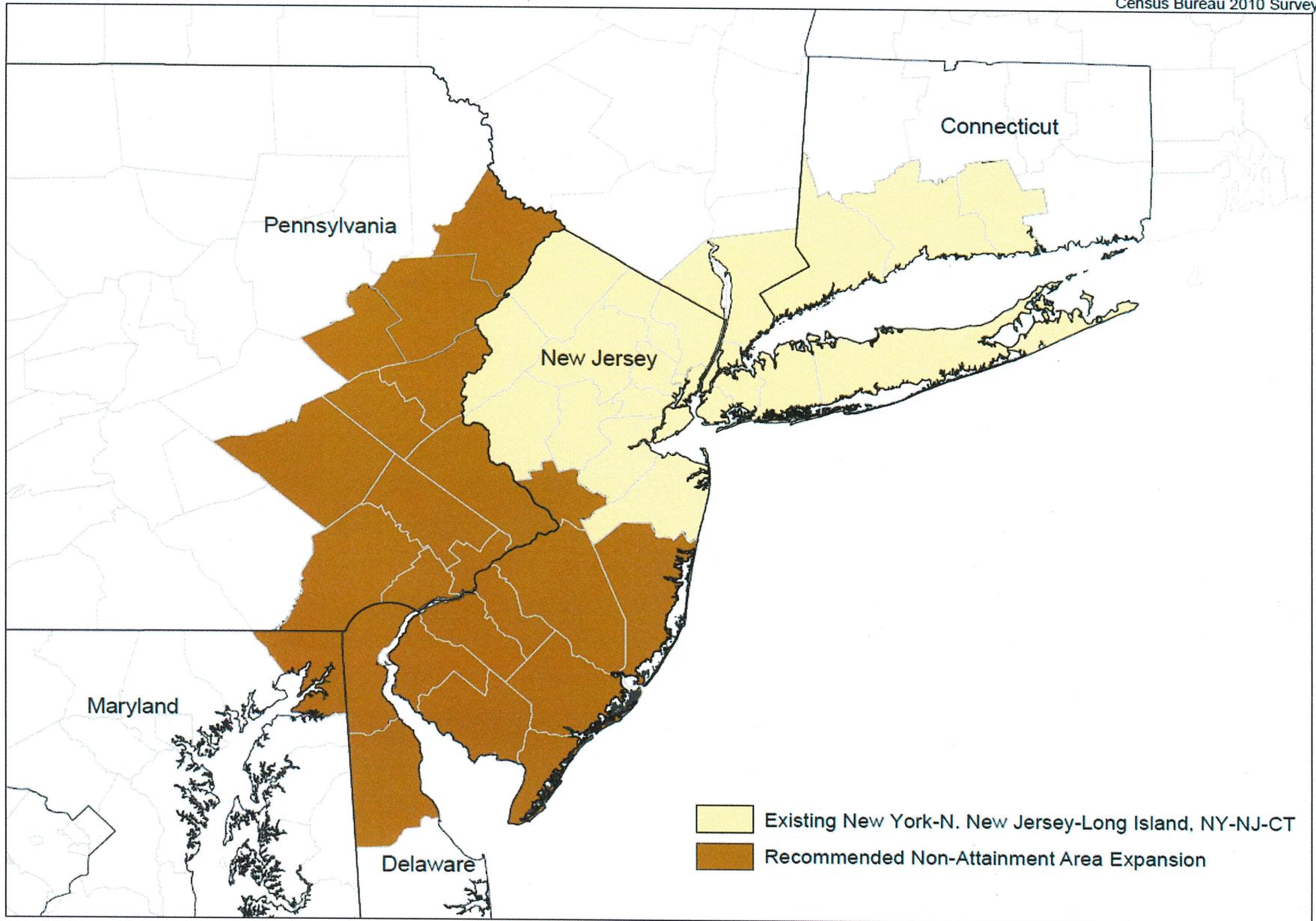
Dannel P. Malloy
Governor

² *Area Designations for the 2015 Ozone National Ambient Air Quality Standards*, EPA Office of Air and Radiation, February 25, 2016.



Attachment 2

Census Bureau 2010 Survey



Attachment 3

Ozone Designation Recommendations
For the 2015 Ozone National Ambient
Air Quality Standards

TECHNICAL SUPPORT DOCUMENT

Connecticut Department of Energy and Environmental Protection
Bureau of Air Management

October, 2016