

COMMENTS AND RESPONSES

State Implementation Plan Revision: Section 110(a)(2)(d)(i) for the Eight-Hour Ozone and PM_{2.5} National Ambient Air Quality Standards

The public comment period began on September 15, 2007 and closed on October 16, 2007. A public hearing was held on October 16, 2007. Proof of publication is attached.

COMMENTATORS:

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COMMENTS:

COMMENT: *Pennsylvania has taken sincere efforts to support regional solutions to the ozone problem with its involvement in the Ozone Transport Commission and we are grateful to have your commitment to work with us to address gaps left by CAIR. We remain concerned that the emission reductions that will result from the Clean Air Interstate Rule (CAIR) will not satisfy the Clean Air Act Section 110(a)(D)(i) that states upwind from Connecticut, such as Pennsylvania, prohibit emissions in amounts that contribute significantly to nonattainment of the eight-hour ozone standard in other states. EPA concluded that most of the 2010 projected peak ozone levels would be transported from upwind states.*

The regional summer season NO_x emission reductions from CAIR provide very little ambient peak ozone improvement in Connecticut. Levels of transport after CAIR implementation remain large enough that attainment may be difficult to achieve in Connecticut by June 2010, regardless of the level of in-state emission controls. This creates uncertainty about Connecticut's ability to attain the ozone standard by the required June 2010 deadline. EPA's Phase 2 CAIR reductions in 2015 are inadequate to ensure healthy air quality in Connecticut.

EPA's CAIR data also indicate that a NO_x budget more stringent than CAIR can be achieved at a reasonable cost compared to many control measures that are being pursued by Connecticut and other states. Additional cost effective reductions may also be realized by targeting emissions that occur on peak electric demand days in the summer months. (1)

RESPONSE: The Department appreciates the commentator's support of its efforts to reduce transported ozone precursors. The Department believes the Commonwealth is meeting its obligations under section 110(a)(2)(D)(i) of the Clean Air Act (CAA) to include in its State Implementation Plan (SIP) adequate provisions prohibiting sources and other emissions activities in the Commonwealth from emitting any air pollutant in amounts that will "contribute significantly" to nonattainment in downwind states, like Connecticut. Beginning with the 2009 control period, EGUs in the Commonwealth will be subject to the federal Clean Air Interstate Rule (CAIR) Federal Implementation Plan (FIP). In the meantime, electric generating units (EGU)s and certain non-EGUs are subject to the Commonwealth's NOx Budget Trading Program, and the Department plans to present its final CAIR rulemaking to the Commonwealth's Environmental Quality Board for approval in December, 2007. If the necessary approvals are timely obtained, the final CAIR regulation should be published and effective early in 2008, at which time it will be submitted to EPA for inclusion in the Commonwealth's SIP.

On April 25, 2005, EPA published national findings that States had failed to submit SIPs required under section 110(a)(2)(D) to address interstate transport with respect to the eight-hour ozone and PM_{2.5} NAAQS. 70 *Fed. Reg.* 21147. On May 12, 2005, EPA published the CAIR, which established emission reduction requirements for affected upwind States under section 110(a)(2)(D)(i). 70 *Fed. Reg.* 25162. On April 28, 2006, EPA denied North Carolina's Section 126 petition with respect to sources in States having an approved SIP meeting the CAIR emissions reductions requirements, and with respect to sources in States for which EPA promulgated a Federal Implementation Plan (FIP) with those same emission reductions requirements. In either case, EPA reasoned, there would no longer be a violation of the prohibition in section 110(a)(2)(D)(i). Since a violation of that prohibition is a condition precedent for granting a section 126 petition, EPA necessarily denied the petition. 71 *Fed. Reg.* 25334-5.

In addition, EPA interprets "significant contribution" under section 110(a)(2)(D) in the CAIR "to include both an emission component and a feasibility/cost-effectiveness component, so that what is prohibited are specific levels of emissions which can feasibly be reduced in a highly cost-effective manner." 71 *Fed. Reg.* 25335. EPA states in its preamble to the CAIR FIPs that "adoption of a CAIR SIP (or EPA adopting a CAIR FIP) fully addresses" the section 110(a)(2)(D)(i) prohibition against significant contribution. *Id.*

Recognizing that the Connecticut Department of Environmental Protection asserts that implementing CAIR is inadequate to satisfy 110(a)(2)(D)(i), we note the other measures listed in Pennsylvania's proposed section 110(a)(2)(D)(i) SIP that will also reduce downwind transport of ozone precursors.