



August 25, 2014

Via Electronic Mail to aburano.douglas@epa.gov

Douglas Aburano, Chief
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Mailcode AR-18J
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
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Re: Docket ID No. EPA-R05-OAR-2011-0969

Dear Mr. Aburano:

The State of Connecticut, through its Department of Energy and Environmental Protection (“Connecticut”), submits the following comments on the proposed rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Ohio; Infrastructure SIP Requirements for the 2008 Lead, 2008 Ozone, 2010 NO₂, and 2010 SO₂ NAAQS,” published at 79 Federal Register 43338 (July 25, 2014).

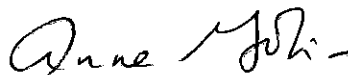
Connecticut’s ability to attain the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS) is substantially compromised due to the overwhelming influence of transported air pollution from upwind states. Modeling conducted by EPA in support of the Cross-State Air Pollution Rule (CSAPR), identifies emissions from Ohio as contributing significantly to Connecticut’s ozone nonattainment problem. Based on available modeling conducted by the Ozone Transport Commission, Connecticut will require additional reductions of upwind emissions in order to sufficiently address transported emissions so as to attain and maintain the 1997 and 2008 ozone NAAQS. Connecticut has adopted a suite of control measures to limit in-state ozone precursor emissions, continues to update existing measures, and is currently analyzing new opportunities to further reduce in-state emissions cost effectively. However, many of the remaining measures for reducing in-state emissions are limited and are much more expensive on a cost-per-ton basis than measures the EPA deems cost effective.

Connecticut is doing its fair share to reasonably control in-state emissions, and cannot continue to shoulder a disproportionate burden while upwind states fail to fulfill their obligations under the Clean Air Act. As part of the implementation of the 2008 8-hour ozone NAAQS, we expect EPA to ensure that every state fully addresses its contribution to any other state’s ozone nonattainment.

Clean Air Act (CAA) § 110(a)(1) requires states to submit revised SIPs that provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years after promulgation of such NAAQS, or within a shorter period prescribed by the EPA. The State of Ohio submitted its infrastructure state implementation plan (“Infrastructure SIP”) on December 27, 2012 in response to the promulgation of the 8-hour ozone NAAQS. On January 2, 2013, the EPA determined that Ohio’s submission was complete for all required elements of CAA § 110(a)(2), including the good neighbor provisions of CAA § 110(a)(2)(D)(i)(I). However, EPA’s proposed rule fails to address the good neighbor portion of Ohio’s submission, instead indicating EPA’s intention to address compliance with that requirement in a separate future rulemaking.

The Clean Air Act gives EPA no discretion to selectively ignore plan provisions submitted by a state on the grounds that it intends to address those obligations in a separate action. As EPA noted in its previous proposed disapproval of the good neighbor portion of Kentucky’s ozone Infrastructure SIP (78 FR 3867; see page 3869), CAA § 110(k)(2) requires EPA to act on all SIP submissions. Such action is required within 12 months of the completeness determination. In the case of Ohio’s SIP submission, the deadline for EPA action was January 2, 2014. Therefore, EPA must immediately determine if the good neighbor element of Ohio Infrastructure SIP is approvable. If it is not¹, EPA must initiate the process to promulgate a Federal Implementation Plan within two-years pursuant to § 110(c)(1) of the Clean Air Act.

Very sincerely yours,



Anne R. Gobin, Chief
Bureau of Air Management

¹ Ohio’s proposed ozone Infrastructure SIP cites current state regulations, including those that implement EPA’s Clean Air Interstate Rule (CAIR), as being sufficient to meet their CAA good neighbor obligations. However, CAIR (and its subsequent replacement, CSAPR) was designed by EPA to address transport issues for the 1997 ozone NAAQS, not the more stringent 2008 ozone NAAQS. Therefore, EPA should disapprove the good neighbor element of Ohio’s SIP.