

September 7, 2018

David Conroy, Chief, Air Programs Branch
EPA New England Regional Office
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912

Re: Connecticut State Implementation Plan -- Clean Air Act Section 110(a) Infrastructure Elements for the 2015 Ozone National Ambient Air Quality Standards.

Dear Mr. Conroy:

Pursuant to section 110(a)(1) and (2) of the Clean Air Act (CAA), states are required to submit any necessary revisions to their State Implementation Plans (SIPs) to provide for the implementation, maintenance and enforcement of any revised or new national ambient air quality standards (NAAQS). Enclosed is a SIP revision to show that Connecticut has, or will have, the necessary infrastructure to satisfy the CAA section 110 requirements for the 2015 ozone NAAQS.

The Connecticut Department of Energy and Environmental Protection (DEEP) issued the proposed draft of this infrastructure SIP revision by statement of public notice on the DEEP website on June 29, 2018. On that same date, notifications were sent by electronic mail to neighboring states and EPA Region 1. Opportunity for public hearing was provided and the comment period on the proposed draft extended through August 10, 2018. No request for hearing was made and only one comment was received.

The one comment received was from EPA Region 1 by letter dated July 24, 2018. EPA commented that, as noted in the proposal, DEEP would be submitting a separate SIP for the transport related requirements of CAA section 110 and cautioned that EPA would not be able to approve the transport SIP until DEEP provides a Clean Air Interstate Rule replacement. DEEP will address this issue in its upcoming transport SIP submission.

While no changes to the draft proposal resulted from comments, the following changes were made as updates:

- “DRAFT for Hearing:” was removed from the title page and the document was dated “August 2018”;
- Page 4 was revised to show that revised CGS Section 16a-21a regarding fuel sulfur content was approved into the SIP on August 1, 2018; and
- Page 5 was revised to show that that revisions to the Architectural and Industrial Maintenance Coatings rules were approved into the SIP on August 1, 2018.

No other changes were made to the SIP revision from proposal.

The SIP revision, copy of the original public notice and certification of public process are enclosed in satisfaction of Title 40 of the Code of Federal Regulations Part 51, Appendix V.

Connecticut requests that EPA approve the enclosed SIP revision as meeting the infrastructure requirements of CAA section 110(a) for the 2015 ozone NAAQS. Electronic copies of this letter and attachments have been sent to recipients listed below. I certify that the electronic copies are exact duplicates of this paper submission.

Sincerely,



Robert E. Kaliszewski
Deputy Commissioner

c: Anne McWilliams / EPA-R1
EPA eSIP System

Adequacy Determination of the Connecticut State Implementation Plan for Clean Air Act Section 110(a) Infrastructure Elements

2015 National Ambient Air Quality Standards for Ozone



August 2018

On October 1, 2015, the U.S. Environmental Protection Agency (EPA) revised the primary and secondary national ambient air quality standards (NAAQS) for ozone. Specifically, EPA established identical primary and secondary 8-hour standards at a level of 70 parts per billion, based on the 3-year average of the fourth-highest value of the yearly distribution of 8-hour daily maximum concentrations. Effective August 3, 2018, the entire state of Connecticut is designated nonattainment for the 2015 ozone NAAQS.

Pursuant to Clean Air Act (CAA) Section 110(a)(1) and (2), all states are required to submit any necessary revisions to their State Implementation Plans (SIPs) to provide for the implementation, maintenance and enforcement of any revised or new NAAQS. States are required to maintain a comprehensive air quality management infrastructure, including enforceable emission limitations, an ambient monitoring program, an enforcement program, air quality modeling, and adequate personnel, resources, and legal authority. Section 110(a)(2)(D)(i) also requires each SIP to prohibit emissions from within the state that contribute significantly to nonattainment or maintenance areas in any other state, or which interfere with programs to prevent significant deterioration of air quality or to achieve reasonable progress toward the national visibility goal for Federal class I areas (national parks and wilderness areas). Due to the more technical nature of this SIP element, Connecticut will submit a separate SIP revision more specifically addressing CAA Section 110(a)(2)(D)(i) requirements related to significant contribution to nonattainment and maintenance of the ozone standards in downwind states.

This Infrastructure SIP was prepared in accordance with EPA guidance.¹ The ozone infrastructure SIP revisions are due to EPA by October 1, 2018.

The Connecticut Department of Energy and Environmental Protection (DEEP) has reviewed its program infrastructure in relation to the revised 2015 ozone NAAQS for each of the required CAA section 110(a)(2) infrastructure elements. Details of how Connecticut's SIP now satisfies, or will after revision satisfy, EPA's requirements are set out below.

Tables following each element describe the regulatory or statutory section satisfying the element and any revisions since the last relevant infrastructure SIP submission. The most recent infrastructure SIP submission was for PM_{2.5} and was submitted to EPA December 14, 2015. Elements specific to ozone and its precursors were most recently submitted on December 28, 2012. Not Applicable (N/A) indicates there have been no revisions since the last infrastructure SIP submission referencing the relevant element.

¹ <https://www.epa.gov/air-quality-implementation-plans/infrastructure-sip-requirements-and-guidance>

Adequacy of Connecticut's Programs Under CAA section 110(a)(2)(A)

Each such plan shall—

(A) include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;

The Department has listed below the program elements which ensure the limitation and control of ozone and precursors, as required by CAA section 110(a)(2)(A).

Table 1. Section 110(a)(2)(A) Emissions Limits and Other Control Measures

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
Connecticut General Statutes (CGS) Section 22a-6(a)(1)	CGS Section 22a-6(a)(1) The commissioner is empowered to "adopt, amend or repeal ... such environmental standards, criteria and regulations ... as are necessary and proper to carry out his functions, powers and duties." It is under this general grant of authority that the Commissioner has adopted emissions standards and control measures for a variety of sources and pollutants.	N/A
CGS Section 22a-171 CGS Section 22a-174	Establish the commissioner's general authority to adopt regulations and issue permits to control air pollution	N/A
CGS Section 22a-174e	Decommissioning of Stage II vapor recovery systems. Pressure decay test of stage I vapor recovery systems	Revisions to CGS Section 22a-174e became effective June 18, 2013, requiring decommissioning of Stage II vapor recovery systems. Connecticut subsequently repealed RCSA 22a-174-30, effective July 8, 2015, in accordance with the EPA rule published in the May 16, 2012 Federal Register (77 FR 28772). Connecticut submitted the SIP revision to

			the EPA on September 14, 2015. ² EPA's final approval was published on December 15, 2017 (82 FR 59519).
CGS Section 22a-174g	California motor vehicle emissions standards (for model year 2008 and later vehicles)	N/A	
CGS Section 16a-21a	Limits the sulfur content of distillate oil and off-road diesel fuel.	The reduction in sulfur content also provides a small reduction in NOx emissions, as documented in CT's Ozone Attainment SIPs for the 2008 ozone NAAQS. The current version of CGS Section 16a-21a was submitted with CT's I-SIP for the 2012 PM2.5 NAAQS and approved into the SIP by EPA on August 1, 2018 (83 FR 37437).	
Regulation of CT State Agencies (RCSA) Section 22a-174-3a(i).	Ambient air quality analysis	N/A	
RCSA Section 22a-174-3a(j)	Best Available Control Technology (BACT).	N/A	
RCSA Section 22a-174-3a(k)	Prevention of Significant Deterioration (PSD).	Ozone infrastructure development relevant revisions to subsection (k) were submitted to EPA Region 1 as a SIP revision on February 28, 2018. The regulation was amended effective February 8, 2018. EPA's proposed approval was published in the Federal Register on Friday June 15, 2018 (83 FR 27936).	
RCSA Section 22a-174-3a(l)	Nonattainment New Source Review (NNSR).	On March 9, 2017, CT submitted a SIP revision certifying its SIP-approved NNSR program for the 2008 ozone NAAQS. The certification addressed CT's obligations for both marginal and moderate nonattainment status that were applicable for the 2008 NAAQS. EPA's approval was published on February 16, 2018. CT DEEP expects that its NNSR program will also fully meet the final NNSR requirements for the 2015 ozone NAAQS for marginal and moderate areas.	
RCSA Section 22a-174-19, 19a and 19b	Fuel Sulfur Limits	The reduction in sulfur limits also provide a small reduction in NOx emissions, as documented in CT's Ozone Attainment SIPs for the 2008 ozone NAAQS. EPA's approval of the regulation revision was published on May 25, 2016 (81 FR 33134).	
RCSA Section 22a-174-20	Control of organic compound emissions	Revised October 5, 2017 for consistency with changes to RCSA Sections 22a-174-40 and 22a-174-41.	

² <http://www.ct.gov/deep/lfb/deep/air/regulations/sip/SIP-FinalSubmittal/GDF-VaporRecovery.pdf>

<p>RCSA Section 22a-174-22 RCSA Section 22a-174-22c RCSA Section 22a-174-22e RCSA Section 22a-174-22f</p>	<p>Control of NOx emissions; CAIR NOx Trading Program; Control of nitrogen oxides emissions from fuel-burning equipment at major stationary sources of nitrogen oxides; High daily NOx emitting units at non-major sources of NOx.</p>	<p>Revisions of December 22, 2016 to Sections 22, 22c, and promulgation of 22e and 22f were approved by EPA in the Federal Register on July 31, 2017. (82 FR 35454). Repeal of Section 22, replaced by 22e and 22f, is effective June 1, 2018.</p>
<p>RCSA Section 22a-174-24(i)</p>	<p>Ambient air quality standards for ozone.</p>	<p>The CT DEEP commits to pursue revisions to RCSA Section 22a-174-24(i) to incorporate the 2015 ozone NAAQS. In the interim, pursuant to 40 CFR 52.14, DEEP will observe the 2015 ozone NAAQS.</p>
<p>RCSA Section 22a-174-27 CGS 14-164c</p>	<p>Periodic motor vehicle inspection and maintenance.</p>	<p>N/A</p>
<p>RCSA Section 22a-174-30 RCSA Section 22a-174-30a</p>	<p>Dispensing of gasoline/ Stage I and II vapor recovery.</p>	<p>Repeal of Section 30 with replacement by Section 30a on July 8, 2015. Decommissioning of Stage II and strengthening of Stage I vapor recovery systems approved by EPA in the 12/15/2017 Federal Register (82 FR 59519).</p>
<p>RCSA Section 22a-174-32</p>	<p>Reasonably Available Control Technology for organic compounds</p>	<p>Revised July 8, 2015. EPA published approval of CT's VOC RACT SIP on July 31, 2017 (82 FR 35454).</p>
<p>RCSA Section 22a-174-36</p>	<p>Low Emission Vehicle (LEV) program</p>	<p>N/A</p>
<p>RCSA Section 22a-174-36b</p>	<p>LEV II program</p>	<p>N/A</p>
<p>RCSA Section 22a-174-36c</p>	<p>LEV III program</p>	<p>Effective August 1, 2013. EPA published proposed approval of CT's LEV III program on January 16, 2018 (83 FR 2097).</p>
<p>RCSA Section 22a-174-38</p>	<p>Municipal Waste Combustors</p>	<p>Revised December 22, 2016. EPA published approval of revisions to the MWC rule on July 31, 2017 (82 FR 35454).</p>
<p>RCSA Section 22a-174-40</p>	<p>Consumer Products</p>	<p>The most recent revisions to Consumer products requirements were adopted in Connecticut effective October 5, 2017. The SIP Revision was submitted to EPA 10/18/2017.</p>
<p>RCSA Section 22a-174-41 and 41a</p>	<p>Architectural and Industrial Maintenance (AIM) coatings</p>	<p>The most recent revisions AIM coatings requirements were adopted in Connecticut effective October 5, 2017. The SIP Revision was submitted to EPA October 18, 2017 and approved on August 1, 2018.</p>
<p>RCSA Section 22a-174-44</p>	<p>Adhesives and Sealants</p>	<p>N/A</p>

Adequacy of Connecticut's Programs Under 110(a)(2)(B)

Each such plan shall—

- (B) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—
- (i) monitor, compile, and analyze data on ambient air quality, and
 - (ii) upon request, make such data available to the Administrator;

Table 2 describes ozone monitoring and data handling elements and any recent plan revisions. DEEP maintains a monitoring network for ozone and its precursors as described in the Annual Air Monitoring Network Plan.

Table 2. Section 110(a)(2)(B) Ambient Air Quality Monitoring Program Elements

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-174(d)	Provides the commissioner with all incidental powers necessary to control air pollution.	N/A
40 CFR 53; 40 CFR 58	These federal rules establish ambient air monitoring reference and equivalent methods and ambient air quality surveillance, quality assurance and data submittal requirements. States are required to submit comprehensive air quality monitoring plans to EPA each year.	DEEP's 2017 Annual Air Monitoring Network Plan was submitted on August 23, 2017. DEEP previously submitted the required Ambient Air Monitoring 5-Year Network Assessment on October 1, 2015. Plan updates are posted on the DEEP air monitoring website . The 2018 Annual Air Monitoring Network Plan will continue to address ozone related monitoring requirements and include the Enhanced Monitoring Plan requirements for ozone. DEEP will continue to submit all data and data quality certifications as required.

Adequacy of Connecticut's Programs Under 110(a)(2)(C)

Each such plan shall—

(C) include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;

Connecticut has program elements for ensuring the enforcement of control measures as described in Table 3 below.

Table 3. Section 110(a)(2)(C) Enforcement Program Elements

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-6(a)(5)	"The commissioner may ... in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by him and the owner, managing agent or occupant of any such property shall permit such entry . . ."	N/A
CGS Section 22a-6b	Imposition of civil penalties by the commissioner.	N/A
CGS Section 22a-7(d)	Civil actions.	N/A
CGS Section 22a-171	"The commissioner shall . . . (4) adopt, amend, repeal and enforce regulations . . . and do any other act necessary to enforce the provisions of this chapter" (Chapter 446c entitled "Air Pollution Control" and encompasses CGS Sections 22a-170 through 22a-206).	N/A
CGS Section 22a-174	Powers of the commissioner. Regulations. Fees. Exemptions. General Permits. Appeal of commissioner's action re permit applications.	N/A
CGS Section 22a-175	Penalties for violations.	N/A
CGS Section 22a-176	Consideration in making regulations and issuing orders.	N/A
CGS Section 22a-177	Enforcement of Regulations. Complaints.	N/A
CGS Section 22a-178	Orders to correct violations.	N/A
CGS Section 22a-180	Penalty for violations of orders. Injunctions.	N/A
RCSA Section 22a-3a-6(c)	Orders, rulings and decisions – procedures in contested cases.	N/A
RCSA 22a-174-2a	Specified procedural requirements for the new source review program, including notification concerning major source permits and modifications.	N/A

<p>RCSA Section 22a-174-3a</p>	<p>Permits to construct and operate stationary sources. Contains the provisions for issuing, modifying and enforcing Connecticut's SIP approved major and minor new source review program.</p>	<p>Revised as described in Table 1 [see description for RCSA 22a-174-3a(k)].</p>
<p>RCSA Section 22a-174-12</p>	<p>Violations and Enforcement. This section provides "The Commissioner shall designate employees of DEP to be known as enforcement personnel, who shall, acting with or without complaints, conduct investigations and ascertain whether the Commissioner's regulations are being complied with."</p>	<p>N/A</p>

Adequacy of Connecticut's Programs Under 110(a)(2)(D)

Each such plan shall—

(D) contain adequate provisions—

- (i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—
 - (I) contribute significantly to nonattainment in, or interfere with maintenance in, any other State with respect to any such national primary or secondary ambient air quality standard, or
 - (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,
- (ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);

Connecticut's air pollution control programs ensure that the State has the authority to meet all of the interstate and international obligations mandated by CAA §110(a)(2)(D) for the Ozone NAAQS. In addition to the various authorities and emission programs described elsewhere in this document, the elements summarized in Table 4 require appropriate notification of permit activities to nearby states and ensure sources do not adversely impact air quality or visibility in nearby states. Connecticut also certifies that there are no sources in the State subject to an active finding under CAA §126 or 115 (relating to interstate or international pollution abatement). As noted in the introduction DEEP will supplement this element with a separate SIP revision.

Table 4. Section 110(a)(2)(D) Interstate Transport

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
RCSA Section 22a-174-2a	This includes administrative requirements for the new source review (NSR) program, including notification to neighboring air agencies concerning impacts due to major source permits and modifications.	N/A
RCSA Section 22a-174-3a	Connecticut's EPA SIP approved prevention of significant deterioration and nonattainment new source review requirements for new and modified sources. This section includes requirements that ensure new and modified sources do not cause or contribute to PSD or NAAQS issues in nearby states.	Revised as described in Table 1 [see description for RCSA 22a-174-3a(k)].
Regional Haze SIP as required by 40CFR51.308	The State must address regional haze in each mandatory Class I Federal area which may be affected by emissions from within the State.	Connecticut will revise its Regional Haze SIP as required.

Adequacy of Connecticut's Programs Under 110(a)(2)(E)

Each such plan shall—

(E) provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;

The State of Connecticut DEEP is the sole authority in implementing the SIP and does not rely on local or regional governments to carry out this responsibility. Connecticut does not rely on State boards to approve CAA permits or enforcement orders. Connecticut implements a biennial budget which allocates funds to the DEEP, federal funds are received through CAA grants, and additional funds are received through the Commissioner's powers to impose fees and penalties. These funding sources have been sufficient for DEEP to implement its required SIP programs and DEEP does not anticipate a future lack of resources to fund equipment or personnel necessary for future implementations. Connecticut has program elements to ensure adequate resources and to meet conflict of interest requirements. Table 5 describes those elements and any recent revisions since the last infrastructure SIP submission.

Table 5 CAA Section 110(a)(2)(E) Adequate Resources Elements.

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-171	Duties of the Commissioner of Environmental Protection. “The commissioner shall (1) initiate and supervise programs for the purposes of determining the causes, effect and hazards of air pollution; (2) initiate and supervise state-wide programs of air pollution control education; (3) cooperate with and receive money from the federal government and, with the approval of the Governor, from any other public or private source; (4) adopt, amend, repeal and enforce regulations as provided in section 22a-174 and do any other act necessary to enforce the provisions of this chapter and section 14-164c; (5) advise and consult with agencies of the United States, agencies of the state, political subdivisions and industries and any other affected groups in furtherance of the purposes of this chapter.”	N/A
CGS Section 22a-174(d)	Provides the commissioner all incidental powers necessary to control air pollution.	N/A
CGS Section 1-85	Interest in conflict with discharge of duties.	SIP approved June 3, 2016 (81 FR 35636)

Adequacy of Connecticut's Programs Under 110(a)(2)(F)

Each such plan shall—

(F) require, as may be prescribed by the Administrator—

- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,*
- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and*
- (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;*

As described in Table 6, Connecticut has program elements to ensure stationary source monitoring is conducted in accordance with the CAA requirements.

Table 6. Section 110(a)(2)(F) Stationary Source Monitoring System Program Elements.

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-6(a)(5)	“The commissioner may, in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by him and the owner, managing agent or occupant of any such property shall permit such entry . . .”	N/A
CGS Section 22a-174(c)	Various powers of the commissioner related to permitting, registrations, inspections, reporting and recordkeeping.	N/A
RCSA Section 22a-174-4	Source monitoring, record keeping and reporting. Subsection (d)(1) states: “The commissioner may, by written notice, require the owner or operator of any source to create, maintain and submit data, records or reports of monitoring data and other information deemed necessary by the commissioner to evaluate compliance with chapter 446c of the Connecticut General Statutes and regulations promulgated thereunder. Such information shall be recorded, compiled and submitted on forms furnished or prescribed by the commissioner. The written notice shall provide the date by which such data, records or reports shall be submitted to the commissioner.”	N/A
RCSA Section 22a-174-5	Methods for sampling, emission testing, sample analysis, and reporting. Subsection (e)(1) states: “The owner or operator of a stationary source of air pollution with maximum uncontrolled emissions of any particular air	N/A

	<p>pollutant greater than one hundred (100) tons per year shall be required to carry out emission tests as prescribed by the Commissioner. Such test or tests shall be conducted at such intervals as the Commissioner may specify for an individual stationary source.” Subsection (f) states: “In addition to the emission tests required in subdivision 22a-174-5(e)(1), the commissioner may require the owner or operator of any stationary source to conduct emission tests of emissions.”</p>	
<p>RCSA Section 22a-174-10</p>	<p>Public availability of information. Subsections (a) through (c) state: “Any records, reports or other information obtained by the Commissioner or on file with the department shall, pursuant to the provisions of sections 1-7 through 20 of the General Statutes, as amended, be made available to the public. (b) Emission data shall not be entitled to protection as a trade secret. (c) Any emission data made public by the Commissioner shall be presented in such a manner as to show the relationship between measured amounts under applicable emission limitations and compliance schedules or other measures.”</p>	<p>N/A</p>

Adequacy of Connecticut's Programs Under 110(a)(2)(G)

*Each such plan shall—
(G) provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;*

Connecticut has program elements to ensure Connecticut's compliance with CAA section 303 Emergency Powers. Additionally, DEEP forecasts and publishes daily air quality index levels on its website to inform the public and to advise the regulated community to minimize emissions when levels are elevated. Table 7 describes relevant program elements.

Table 7. Section 110(a)(2)(G) Emergency Powers Program Elements

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-181	Authority of the commissioner to take immediate emergency action to protect public health or safety.	N/A
RCSA Section 22a-174-6	Air pollution emergency episode procedures. This section describes the existing emergency episode procedures in place, which are consistent with the significant harm levels as indicated in 40 CFR 51.151.	N/A

Adequacy of Connecticut's Programs Under 110(a)(2)(H)

Each such plan shall—

(H) provide for revision of such plan—

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;

Connecticut has program elements that enable DEEP to revise the SIP if and when needed. DEEP has submitted multiple plan revisions since the original plan submission in 1972 and those revisions are documented in 40 CFR 52 Subpart H. Table 8 cites the statute giving the commissioner of DEEP the general authority to make any necessary implementation plan revisions.

Table 8. Section 110(a)(2)(H) Program Elements Governing Future SIP Revisions

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-174(d)	The Commissioner is authorized with all incidental powers necessary to control and prohibit air pollution.	N/A

Adequacy of Connecticut's Programs Under 110(a)(2)(I)

Each such plan shall—

(I) in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);

EPA has determined that 110(a)(2)(I) is not applicable to infrastructure SIP revisions because the nonattainment requirements of Part D include a separate schedule. Nevertheless, Connecticut DEEP has the authority to implement plan revisions which, together with EPA and upwind state compliance with CAA requirements, should satisfy Part D requirements for attainment of standards. Table 9 cites the statute giving the commissioner of DEEP the general authority to make any necessary implementation plan revisions.

Table 9, Nonattainment area plans

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-174(d)	The Commissioner is authorized with all incidental powers necessary to control and prohibit air pollution.	N/A

Adequacy of Connecticut's Programs Under 110(a)(2)(J)

Each such plan shall—

(J) meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);

Table 10 describes Connecticut's program elements to ensure compliance with CAA Section 121 consultation requirements, CAA Section 127 public notification requirements and Part C PSD protection requirements. Additionally, the DEEP Air Bureau established in 1972 the State Implementation Plan Revision Advisory Committee which continues to meet monthly to involve stakeholders in the regulatory and attainment planning processes. DEEP forecasts and publishes daily air quality index levels on its website to inform the public and to advise the regulated community to minimize emissions when levels are elevated.

EPA guidance acknowledges that there are no new visibility requirements under Part C resulting from a revised NAAQS and as such the visibility protection element need not be addressed.

Table 10. Clean Air Act consultation with government officials, public notification, and PSD and visibility protection elements

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-171	Duties of Commissioner of Environmental Protection. "The commissioner shall...(2) initiate and supervise state-wide programs of air pollution control education;... (5) advise and consult with agencies of the United States, agencies of the state, political subdivisions and industries and any other affected groups in furtherance of the purposes of this chapter."	N/A
CGS Section 22a-174	CGS 22a-174(k)(6) states: "The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this subsection." Chapter 54 incorporates the Uniform Administrative Procedures Act wherein section 4-168, entitled <i>Notice prior to action on regulations. Fiscal notes. Hearing or public comment. Posting on eRegulations System. Adoption procedure. Emergency regulations. Technical amendments</i> , specifies public notice and participation requirements for making of regulations.	N/A
RCSA Section 22a-174-2a	Section 2a includes administrative requirements for new source review (NSR) and Title V permits including notification of application and tentative determination of certain permits and opportunity for hearing and comment by interested persons which may include adjacent states, local or municipal officials, and the Regional Administrator.	N/A
RCSA Section 22a-174-3a(k)	Permit Requirements for Attainment Areas: Prevention of Significant Deterioration of Air Quality (PSD) Program.	Revised as described in Table 1

Adequacy of Connecticut's Programs Under 110(a)(2)(K)

Each such plan shall—
(K) provide for—

- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and
- (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;

Table 11 describes Connecticut's program elements to ensure Connecticut is able to provide for air quality modeling to assess the ambient air quality impact of air pollutant emissions. Additionally, DEEP continues to be a partner in regional modeling efforts conducted by members of the Ozone Transport Commission.

Table 11. Section 110(a)(2)(K) Program Elements Governing Air Quality Modeling

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
RCSA Section 22a-174-3a(i)	Ambient Air Quality Analysis: "The commissioner may request any owner or operator to submit an ambient air quality impact analysis using applicable air quality models and modeling protocols approved by the Commissioner.	N/A
CGS Section 22a-171	Duties of Commissioner of Energy and Environmental Protection. <i>The commissioner shall (1) initiate and supervise programs for the purposes of determining the causes, effect and hazards of air pollution; (2) initiate and supervise state-wide programs of air pollution control education; (3) cooperate with and receive money from the federal government and, with the approval of the Governor, from any other public or private source; (4) adopt, amend, repeal and enforce regulations as provided in section 22a-174 and do any other act necessary to enforce the provisions of this chapter [Chapter 446c Air Pollution Control] and section 14-164c; (5) advise and consult with agencies of the United States, agencies of the state, political subdivisions and industries and any other affected groups in furtherance of the purposes of this chapter.</i>	N/A
CGS Section 22a-174	CGS Section 22a-174(b) states as follows: <i>The commissioner shall have the power to (1) enter into contracts with technical consultants, including, but not limited to, nonprofit corporations created for the purpose of facilitating the state's implementation of multistate air pollution control programs, for special studies, advice and assistance; to consult with and advise and exchange information with other departments or agencies of the state; and (2) serve on the board of directors of a nonprofit corporation, including, but not limited to, a nonprofit corporation created for the purpose of facilitating the state's implementation of multistate air pollution control programs.</i> Furthermore, CGS Section 22a-174(d) states as follows: <i>The commissioner shall have all incidental powers necessary to carry out the purposes of this chapter [Chapter 446c Air Pollution Control] and section 14-164c.</i>	N/A

Adequacy of Connecticut's Programs Under 110(a)(2)(L)

Each such plan shall—

(L) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover—

- (i) the reasonable costs of reviewing and acting upon any application for such a permit, and*
- (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter V of this chapter;*

Table 12 describes Connecticut's program elements to ensure Connecticut has adequate fees to cover acting upon permit applications for permitting major sources and has an approved fee structure to support its Title V operating permit program.

Table 11. Section 110(a)(2)(L) Program Elements Governing Permitting Fees.

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-174(g)	“The commissioner shall require, by regulations adopted in accordance with the provisions of chapter 54, the payment of a permit application fee sufficient to cover the reasonable costs of reviewing and acting upon an application for, and monitoring compliance with the terms and conditions of, any state or federal permit, license, order, certificate or approval required ...”	N/A
RCSA Section 22a-174-26(c)(1)	Each person to whom the commissioner issues a permit, or a modification or renewal thereto, under Section 22a-174-3a, Section 22a174-2a and Section 22a-174-19 of the Regulations of Connecticut State Agencies shall pay a permit fee as prescribed in the fee schedule in subdivision (2) of this subsection.” The fee schedule is set forth in Table 26-1 of subsection 2.	N/A
RCSA section 22a-174-33(j)(1)(Z)	Requires Title V source to pay all fees due under RCSA section 22a-174-26.	N/A

Adequacy of Connecticut's Programs Under 110(a)(2)(M)

Each such plan shall—

(M) provide for consultation and participation by local political subdivisions affected by the plan.

Table 13 describes Connecticut's program elements to ensure Connecticut has an adequate process for local political subdivisions to participate in SIP revisions. DEEP announces and holds monthly public meetings of the State Implementation Plan Revision Advisory Committee (SIPRAC) to solicit advice and inform stakeholders on the status of implementation plan revisions. Furthermore, DEEP's public participation process includes opportunity for hearing and a minimum 30 day public comment period for regulatory rulemaking (as required by CGS Section 4-168) and for SIP revisions (as required by 40 CFR 51.102).

Table 13. Section 110(a)(2)(M) Consultation /participation by affected local entities.

Corresponding Connecticut Program Element(s)	Description	Description if revision or new submission
CGS Section 22a-171	Duties of Commissioner of Energy and Environmental Protection. The commissioner shall... (5) advise and consult with ...agencies of the state, political subdivisions and industries and any other affected groups in furtherance of the purposes of this chapter.	N/A
CGS Section 4-168	Notice prior to action on regulations.	N/A

Notice of Proposed State Implementation Plan for Air Quality

The Commissioner of the Department of Energy and Environmental Protection (DEEP) hereby gives notice of intent to amend the State Implementation Plan (SIP) to address sections 110(a)(1) and (2) of the Clean Air Act (CAA) with respect to the 2015 National Ambient Air Quality Standards (NAAQS) for Ozone. This SIP is referred to as an infrastructure SIP and is required to be submitted to the Environmental Protection Agency to demonstrate DEEP's ability to implement, maintain and enforce the revised NAAQS.

The authority to adopt this SIP is granted by section 22a-174 of the Connecticut General Statutes (CGS). This notice is required pursuant to 40 Code of the Federal Regulations 51.102.

A copy of the proposed SIP is available for public inspection during normal business hours at DEEP's Bureau of Air Management, Planning and Standards Division 5th Floor, 79 Elm Street, Hartford, CT and may be reviewed by contacting Kiernan Wholean at 860-424-3425. The SIP Revision is also available at the link below.

All interested persons are invited to comment on the proposed SIP. Comments should be submitted via electronic mail to kiernan.wholean@ct.gov or via postal carrier to Kiernan Wholean at the DEEP, Bureau of Air Management, 5th Floor, 79 Elm Street, Hartford, CT 06106-4064. All comments must be received by 4:30 PM on August 10, 2018.

In accordance with 40 CFR 51.102, DEEP will hold a hearing at the time and location set out below **only if a request for such a hearing is made on or before August 3, 2018 at 4:00 PM.**

PUBLIC HEARING
August 9, 2018 at 10:00 AM
Department of Energy and Environmental Protection, 5th Floor, Ensign Room
79 Elm Street
Hartford, CT 06106

A request to hold the hearing identified above may be made by any person by electronic mail to kiernan.wholean@ct.gov or by telephone (860-424-3425). Such a request must be made by 4:00 PM on August 3, 2018. If no request for a hearing is received on or before that date, the hearing will be cancelled. Information on the status of the hearing will be posted on DEEP's website at http://www.ct.gov/deep/cwp/browse.asp?a=2586&deepNav_GID=1511 as of August 7, 2018. Questions concerning the public hearing may be directed to kiernan.wholean@ct.gov or (860-424-3425).

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at (860) 418-5910 or deep.accommodations@ct.gov

6/29/2018
Date



Robert E. Kaliszewski
Deputy Commissioner

Certification of Public Process

This certifies in accordance with the provisions of Title 40 Code of Federal Regulations Part 51.102 that the following actions were taken by the Connecticut Department of Energy and Environmental Protection (DEEP) regarding revisions to the Connecticut State Implementation Plan (SIP) for air quality to address sections 110(a)(1) and (2) of the Clean Air Act (CAA) with respect to the 2015 8-hour ozone national ambient air quality standard (NAAQS).

- 1) DEEP published the public notice for this SIP revision on June 29, 2018. The public notice indicated a public hearing scheduled for August 9, 2018, to be held only if a request for hearing was received. No request for hearing was made, so none was held.
- 2) The record remained open for receipt of written comments through August 10, 2018.
- 3) In accordance with the notice, materials were available for review on DEEP's website and at DEEP's headquarters in Hartford, CT from June 29, 2018 through August 10, 2018.
- 4) On June 29, 2018, copies of the notice were e-mailed to the directors of air pollution control agencies in New York, New Jersey, Rhode Island and Massachusetts, as well as to Region I of the U.S. Environmental Protection Agency.
- 5) The public notice and links to the proposed SIP revision document were published on the following DEEP websites on June 29, 2018:
 - DEEP's Public Notice Page
(http://www.ct.gov/deep/cwp/browse.asp?a=2586&deepNav_GID=1511)
 - DEEP's SIP Revisions Page
(http://www.ct.gov/deep/cwp/view.asp?a=2684&q=331234&deepNav_GID=1619)

30 AUG 18
Date



Kiernan J. Wholean, Supervisor
Bureau of Air Management

