



**M. Jodi Rell**

GOVERNOR  
STATE OF CONNECTICUT

September 28, 2010

Lisa P. Jackson, Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
**Mail Code:** 1101A  
Washington, DC 20460

Re: *Proposed Rule – Docket No. EPA-HQ-OAR-2009-0491*

Dear Administrator Jackson:

On behalf of the State of Connecticut, I respectfully submit these comments to the United States Environmental Protection Agency (EPA) on the proposed “Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone” (75 Fed. Reg. 45210, August 2, 2010), hereafter referred to as the “Transport Rule.”

The State of Connecticut is pleased that EPA recognizes interstate air pollution transport is a significant environmental and public health problem and we support strong federal action to address this transport. Adequately addressing transport is critical to achieving Connecticut’s air quality goals. Attaining the federal health-based air quality standards for ozone remains a challenge in Connecticut even though we have adopted a stringent regulatory framework. Connecticut has been aggressively pursuing NO<sub>x</sub> and SO<sub>2</sub> emission reductions since the Clean Air Act was adopted in 1970 and partly as a result of these programs Connecticut citizens are paying some of the highest electricity costs in the country. Unfortunately, much of the air pollution in Connecticut is blowing in from upwind states whose emissions overwhelm our ability to attain the health based national ambient air quality standards (NAAQS). Many of these upwind states have not done their fair share to reduce transported air pollution.

Clearly more reductions are necessary, and it is time for the Federal government to act decisively to address the long-standing problem of transport. EPA’s modeling shows that, on high ozone days, well over 90% of the peak ozone monitored in Southwestern Connecticut can be attributed to transport from upwind states. We simply cannot control this air pollution and we need EPA’s help to level the playing field so that Connecticut residents are not unfairly prevented from enjoying clean air.

The Transport Rule as proposed is an improvement to the Clean Air Interstate Rule of 2005 and there are provisions of the Transport Rule that Connecticut fully supports. For example, Connecticut is pleased that EPA adopted one percent of the NAAQS as the criterion for significant contribution, as recommended by Connecticut and other states. Connecticut also generally supports the proposed sulfur dioxide emissions caps as they will lead to significant reductions in fine particulate matter throughout

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the eastern United States. However, EPA must improve the Transport Rule with respect to ozone in order to fully meet its responsibilities with respect to air pollution transport.

To address ozone pollution and transport, the State of Connecticut respectfully requests that EPA modify the proposed rule as follows:

- EPA should adopt a final Transport Rule that fully addresses the needs of the greater New York City area. As acknowledged by EPA in the preamble, the proposed Transport Rule requires controls in 2012 that do not fully address significant contribution to the greater New York City nonattainment area (including portions of Connecticut) under the existing ozone NAAQS. As proposed, the rule fails to meet the requirements of the federal Clean Air Act.
- EPA should commit to a rapid proposal of a new “Phase II” transport rule that implements controls by 2014 so as to achieve the transport reductions necessary for Connecticut to timely achieve the new, more stringent ozone NAAQS that EPA is expected to finalize this Fall. The proposal’s assertion that no further NOx controls are needed in 2014 is contrary to logic and must be revised.
- EPA should move forward and adopt strong national rules for all air pollution sources that contribute to interstate air pollution transport, not just electric generators as proposed in the Transport Rule. For example, the Ozone Transport Commission, of which Connecticut is a member, has repeatedly asked EPA to move forward with national rules limiting pollution from industrial, commercial and institutional boilers.

The State of Connecticut understands that as a good neighbor, we must ensure that emissions from our state do not negatively impact downwind states. We understand that there is more to be done, especially as national ambient air quality standards are improved to reflect the latest and best science. The State of Connecticut is committed to continue to work in cooperation with EPA and our sister states to do our fair share. But Connecticut cannot afford and should not be expected to bear a disproportionate share of the impacts of air pollution transport. Transported pollution is burdening our residents with adverse health impacts and weighing down our economy. EPA must adopt transport controls that fully comport with the the protections from air pollution transport provided to Connecticut and other downwind states under the federal Clean Air Act.

I have directed the Connecticut Department of Environmental Protection to supplement this letter with additional comments on the proposed Transport Rule. Thank you for the opportunity to comment on this proposal which is so important to the State of Connecticut.

Very truly yours,



M. Jodi Rell  
Governor

Cc: Commissioner Amey W. Marrella