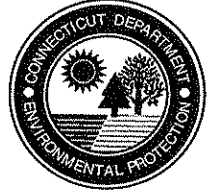


STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



August 23, 2010

Ms. Anne Arnold, Manager
Air Quality Planning Unit
USEPA Region 1 - New England
5 Post Office Square
Mail Code: OEP05-2
Boston, MA 02109-3912

Re: Request for Withdrawal of 2012 Transportation Conformity Budgets for Ozone

Dear Ms. Arnold:

In June 2008, the Environmental Protection Agency (EPA) confirmed the adequacy of motor vehicle emissions budgets (MVEBs) submitted by the Connecticut Department of Environmental Protection (CTDEP) as part of the state's plan to attain the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). Adequate MVEBs were established for 2008 (demonstrating reasonable further progress), 2009 (the required attainment year) and 2012 (provided as a precautionary measure in case attainment was not achieved by 2009).

As you know, EPA issued a proposed rule on June 1, 2010 finding that Greater Connecticut meets the 1997 ozone NAAQS (see 75 Fed. Reg. 30310) (hereafter, the Clean Data Determination). In addition, the most recent monitored 8-hour ozone design values, from the period 2007 through 2009, indicate that the New York-Northern New Jersey-Long Island nonattainment area (NY-NJ-CT, which includes Southwest Connecticut) also meets the 1997 ozone NAAQS. Given that Connecticut has achieved monitored compliance of the NAAQS in advance of the June 2010 attainment deadline, by this correspondence, CTDEP is withdrawing the 2012 motor vehicle emission budgets from the 8-hour ozone attainment demonstration SIPs (dated February 1, 2008). CTDEP is also requesting that EPA withdraw the adequacy findings for Connecticut's 2012 MVEBs established for both nonattainment areas since they are no longer necessary to ensure attainment. More details regarding this request are provided below.

Monitored Data Indicate Timely Attainment Has Been Achieved

As moderate nonattainment areas for the 1997 ozone NAAQS, both the NY-NJ-CT and Greater Connecticut areas are required to achieve attainment by June 2010, as determined based on 2009 ozone design values calculated using monitored data from the 2007 through 2009 ozone seasons. Connecticut, New York and New Jersey have all recently submitted complete, quality-assured and certified 2009 ozone data to EPA verifying that 2009 design values for all monitors in the two nonattainment areas are in attainment of the 1997 ozone NAAQS.

Based on the 2009 ozone design values, EPA published a proposed Clean Data Determination for the Greater Connecticut area. CTDEP understands that EPA Regions 1 and 2 are currently considering a similar Clean Data Determination for the NY-NJ-CT area, which includes Southwest Connecticut.

When EPA finalizes both Clean Data Determinations, under the provisions of EPA's ozone implementation rule (40CFR51.918), the requirements for these areas to submit an attainment demonstration, a reasonable further progress plan, contingency measures, and certain other State Implementation Plan (SIP) revisions related to attainment of the 1997 ozone NAAQS shall be suspended for so long as the area continues to attain that NAAQS¹.

The 2009 MVEBs Are Sufficient to Provide for Attainment of the NAAQS

In the June 12, 2008 Federal Register (73FR33428), EPA published a notice of adequacy determining that 2008, 2009 and 2012 ozone precursor MVEBs budgets in Connecticut's February 2008 SIP revision for the 1997 8-hour ozone NAAQS were adequate for transportation conformity purposes. Budgets were established for each of those years to meet reasonable further progress (2008) and attainment (2009) requirements, and to provide a back-stop in case attainment was not achieved by 2009 and reclassification to a serious nonattainment classification was necessary under section 181(b)(2) of the Clean Air Act, with a revised attainment year of 2012.

The 2009 MVEBs established in 2008 for each of Connecticut's nonattainment areas represented CTDEP's planning estimate at that time of the level of motor vehicle emissions that would be necessary to produce timely attainment of the 1997 8-hour ozone NAAQS. The appropriateness of the 2009 MVEBs has now been confirmed by actual monitored 2009 design values, which demonstrate that both nonattainment areas have, in fact, achieved timely attainment of the NAAQS. Therefore, it is appropriate to retain the 2009 MVEBs as adequate ozone precursor budgets for future transportation conformity determinations and for EPA to withdraw the adequacy determination for the 2012 MVEBs, which were set at lower emission levels in case attainment was not achieved by 2009.

The 2012 MVEBs Are No Longer Necessary and Should Be Withdrawn

Reliance on the 2009 MVEBs for continued compliance with the 1997 8-hour ozone NAAQS is consistent with the provisions of 40CFR93.109(e)(4)(iii) of the Transportation Conformity Rule, which provides that ozone nonattainment areas with three years of clean data can demonstrate conformity using the motor vehicle emissions of ozone precursors in the most recent year of clean data as motor vehicle emissions budgets, if such budgets are established by EPA rulemaking to determine that the area has clean data for the 8-hour ozone NAAQS. In Connecticut's case, the most recent year of clean data (2009) coincides with the 2009 attainment year budgets previously found to be adequate by EPA.

Based on the discussion above, CTDEP is withdrawing the 2012 motor vehicle emission budgets from the 8-hour ozone attainment demonstration SIPs (dated February 1, 2008) and requests that EPA:

¹ Based on EPA's proposed Clean Data Determination finding that Greater Connecticut meets the 1997 ozone NAAQS, DEP is no longer pursuing the adoption of state level regulatory requirements for Industrial, Commercial and Institutional Boilers.

Ms. Anne Arnold

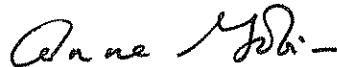
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- Withdraw the adequacy determination for the out-year 2012 MVEBs, which are no longer necessary with respect to the 1997 ozone NAAQS; and
- Confirm that future ozone precursor conformity determinations should be based on comparisons to the 2009 MVEBs.

Please initiate EPA's adequacy/inadequacy process as soon as possible so that the 2012 MVEBs can be withdrawn. In order to facilitate EPA's expedited 30-day public review option, please provide a link on EPA's adequacy web page to a copy of this letter, which is posted on our web site at www.ct.gov/dep

Thank you for your cooperation and assistance. Please contact Paul Farrell (860-424-3389) if you have any questions.

Sincerely,



Anne Gobin, Chief
Bureau of Air Management

cc: Thomas J. Maziarz, DOT
Paul Farrell, DEP
Donald Cooke, EPA