



Gina McCarthy
Commissioner

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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February 15, 2005

Stephen L. Johnson, Acting Administrator
U. S. Environmental Protection Agency
Ariel Rios Building, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: PM_{2.5} National Ambient Air Quality Standard Final Designations for Connecticut

Dear Administrator Johnson:

On January 5, 2005, EPA promulgated a final rulemaking designating non-attainment areas for fine particles (PM_{2.5}). Although Connecticut recommended that the entire State be designated as attainment, EPA included Fairfield and New Haven counties as part of a multi-state nonattainment area comprised of most counties in the New York City metropolitan area. EPA's decision was based on a technical procedure applied uniformly across the nation; however, Connecticut's attainment recommendation was based on monitored evidence as well as unique, local circumstances not considered by EPA's analysis. I am writing to formally request that you reconsider your decision in light of this compelling local evidence. As stated in Governor Rell's letter of December 20, 2004, Connecticut remains committed to expanding our current efforts to aggressively achieve further reductions in pollutants contributing to elevated PM_{2.5} levels. An attainment designation for all of Connecticut will have no adverse affect on the programs we implement, and will allow us to allocate resources most effectively to expand these efforts.

EPA's Modeling Demonstrates Connecticut's Circumstances are Unique

EPA's designation procedure used a starting assumption that all portions of each metropolitan area with one or more violating monitors would be designated as a nonattainment area. Deviations from those presumptive boundaries were determined by applying a fairly simplistic approach (i.e., the "9-Factor Analysis") comparing emissions, air quality, population, traffic and commuting patterns in the urban area. EPA concluded that emissions and population levels were sufficiently high in Fairfield and New Haven counties to significantly contribute to violating monitors in New York County, justifying the inclusion of these Connecticut counties in the New York City nonattainment area.

The Connecticut Department of Environmental Protection (CTDEP) submitted analyses in February and August of 2004 supporting a statewide PM_{2.5} attainment designation. CTDEP's recommendation cited modeling conducted by EPA in support of the proposed Interstate Air

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Quality Rule (IAQR, since renamed by EPA to the Clean Air Interstate Rule, or CAIR). EPA's IAQR modeling, unlike the "9-Factor Analysis", is based on state-of-the-art science that accounts for factors such as atmospheric chemistry, frequency of wind direction, and distance from emission sources to air quality monitors. The IAQR modeling demonstrates that emissions from Connecticut do not significantly impact PM_{2.5} levels in either New York or New Jersey. Modeling results indicate Connecticut's maximum annual PM_{2.5} contribution to New York County was 0.07 ug/m³, well below EPA's significant impact threshold of 0.15 ug/m³.

EPA's conclusion regarding a nonattainment designation for Connecticut is inconsistent with results of the IAQR modeling, in which EPA determined that Connecticut was the only affected state that should be excluded from the PM_{2.5} provisions of the proposed CAIR rulemaking:

*"...EPA proposes today that Connecticut contributes significantly to downwind ozone nonattainment, but not to fine particle nonattainment. Thus, Connecticut would not be subject to an annual NOx control requirement, and is not included in the 28-State and DC region we are proposing for annual controls."*¹

Connecticut requests that EPA reconsider Connecticut's attainment status in light of the IAQR modeling results.

Nonattainment Status Causes Burdens With No Air Quality Benefits at Violating Monitors

If EPA includes portions of Connecticut in the greater New York City nonattainment area, extensive technical and administrative planning exercises and programs will be required, with inconsequential effects on the violating monitors in New York and New Jersey. CTDEP will be required to develop a PM_{2.5} emission inventory, assess available control strategies (e.g., RACT and RACM), conduct dispersion modeling, develop transportation conformity budgets, amend new source review (NSR) regulations, and submit an attainment demonstration, along with a future redesignation SIP and maintenance plan. Transportation agencies will be required to expand transportation plan analyses to address PM_{2.5} budgets and hotspot analysis requirements. Given the results of EPA's IAQR modeling, it is unlikely any of these regulatory burdens on Connecticut would significantly lower PM_{2.5} levels at the violating monitors in and around New York City.

Connecticut's Resources Should Be Directed Towards Improving In-State PM_{2.5} Air Quality

EPA's technical analysis supporting the PM_{2.5} designation final rulemaking acknowledges that data from the Stiles Street monitor in New Haven should not be used to determine annual PM_{2.5} compliance. As a result, there are no violating PM_{2.5} monitors within Connecticut. However, Connecticut continues to expand our current efforts to aggressively achieve further reductions in pollutants contributing to elevated PM_{2.5} levels within Connecticut. In addition to implementing our existing programs to eliminate unnecessary idling of mobile

¹ 69FR112, pp.4618-4619

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sources and facilitate retrofitting and clean fueling of buses and construction equipment, CTDEP is pursuing legislative and regulatory initiatives that include requirements for low sulfur home heating oil and off-road diesel fuel; coordinating with other states in the northeast to tighten truck opacity standards; and investigating the possibility of establishing a more stringent state air quality standard for PM_{2.5} consistent with the range of values described in EPA's January 2005 Second Draft Staff Paper reviewing the PM NAAQS. Connecticut can make much greater progress towards improving air quality for its citizens by committing resources to these efforts rather than the time-consuming and burdensome tasks mandated by a nonattainment designation that is intended to address out-of-state PM_{2.5} violations to which Connecticut does not contribute.

The implications of Connecticut's inclusion in the New York City multi-state PM_{2.5} nonattainment area are already in evidence, as reflected by initial agency discussions in the tri-state area regarding transportation conformity requirements and deadlines. Given Connecticut's insignificant contribution to violating monitors in the nonattainment area, it is apparent that Connecticut's ability to meet its legal obligations for transportation conformity and other Clean Air Act requirements rests largely on the actions of New York and New Jersey. The resulting penalties for non-compliance, which could include withholding of highway funding and additional emission offset requirements for new sources, are significant, but beyond Connecticut's control.

Connecticut remains committed to continuing our efforts to aggressively achieve further reductions in PM_{2.5} levels. An attainment designation for all of Connecticut will allow us to focus resources on realizing this goal without adversely affecting measured PM_{2.5} levels in neighboring states. Thank you for your consideration of this request. Please feel free to contact Deputy Commissioner Jane Stahl at 860-424-3009 or me at 860-424-3001.

Yours Truly,



Gina McCarthy
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GM/djw

c: R. Varney (EPA Region I)
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A. Gobin (CTDEP)