



CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

February 3, 2012

Air Docket  
Attention Docket ID No. EPA-HQ-OAR-2008-0476  
Environmental Protection Agency  
Mail Code: 6102T  
1200 Pennsylvania Ave. NW  
Washington DC 20460

RE: EPA Response to Connecticut's 2008 Ozone Designation Recommendation

This letter is submitted in response to the notice published in the Federal Register by the Environmental Protection Agency (EPA)<sup>1</sup> regarding EPA's responses to state and tribal ozone designation recommendations for the 2008 ozone National Ambient Air Quality Standards (NAAQS).

On behalf of our 10,000 member companies that include small, single-employee neighborhood retail stores as well as some of the largest multi-national corporations in the world, the Connecticut Business and Industry Association (CBIA) expresses its extreme disappointed that EPA has refused to grant Connecticut's request for a super-regional nonattainment area.

On March 12, 2008, the Environmental Protection Agency (EPA) revised the national ambient air quality standard (NAAQS) for ground-level ozone, lowering the primary 8-hour standard from 0.080 parts per million (ppm) to 0.075 ppm. As a first step to implementing the standard, EPA asked states to submit their designation recommendations, including appropriate area boundaries, by March 12, 2009. Later that year, EPA decided to reconsider the standard and finally indicated that it would proceed with implementation of the 0.075 ppm ozone NAAQS on September 22, 2011. While EPA did not require states to submit updated designation recommendations, EPA provided the opportunity for states to do so. At that time, Governor Dannel P. Malloy submitted a supplemental recommendation to Administrator Lisa Jackson and recommended that EPA establish a super-regional nonattainment area encompassing eighteen states, including Connecticut. EPA thereafter rejected Connecticut's recommendation and asserted that it intended to designate the entire state of Connecticut as nonattainment for the 2008 0.075 ppm ozone NAAQS, with two nonattainment areas having the same boundaries as the existing ozone nonattainment areas for the 1997 ozone NAAQS.

<sup>1</sup> In the original notice, published at 76 FR 78872, FRL-9608-6, EPA stated that public comments must be received on or before January 19, 2012. Based on several requests from stakeholders for additional time, EPA extended the comment period until February 3, 2012 as reported at 77 FR 2677, FRL-9619-4.

CBIA is extremely disappointed with EPA's response to the Governor's request and strongly urges your reconsideration.

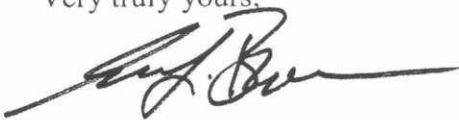
The science supporting the phenomena of interstate air pollution transport is well-documented, most significantly by EPA itself in recent rulemakings. *See* Cross State Air Pollution Rule. With this backdrop, it is evident that the current nonattainment designation methodology utilized by EPA has resulted in patent unfairness to states like Connecticut. After several rounds of costly regulation, Connecticut's sources are well-controlled. If EPA fails to consider a super-regional nonattainment area, the overwhelming effects of interstate air pollution transport will continue to result in disproportionate impacts to Connecticut's economy and public health. It is unreasonable that Connecticut should bear the economic and public health costs of air quality effects from the out-of-state emissions. EPA should align nonattainment areas like Connecticut with regions that can control pollution sources more cost-effectively. EPA should no longer provide a free pass to upwind contributors, while the disproportionate burden of implementing the NAAQS falls on downwind states due to the overwhelming influence of transported air pollution.

The status quo will no longer suffice. EPA has the power to make the changes necessary to adequately address transported air pollution. In fact, the provisions of the Clean Air Act, specifically section 110(a)(2)(D) proverbially referred to as the "good neighbor provision," provide EPA with the authority to adequately address the phenomena of transported air pollution.

States like Connecticut need EPA's assistance to equitably address air pollution, as required by the Clean Air Act. Only with a super-regional nonattainment area and stricter federal rules can ozone attainment pursuant to the 0.075 ppm 2008 NAAQS be achieved and the effects of transported air pollution be mitigated. Again, we urge your reconsideration of this decision.

Thank you for your time and consideration.

Very truly yours,



Eric J. Brown  
Associate Counsel

CC: The Honorable Dannel Malloy, Governor  
Daniel Esty, Commissioner, CT Department of Energy and Environmental Protection  
Anne Gobin, Chief, Connecticut Department of Energy and Environmental Protection