

July 23, 2018

Via Electronic Submission
To the Federal eRulemaking Portal
www.regulations.gov

U.S. Environmental Protection Agency
Docket ID Number: EPA-HQ-OAR-2018-0295

RE: EPA's Proposed Denial of the Maryland and Delaware 126(b) Petitions

Dear Docket Administrator:

The Connecticut Department of Energy and Environmental Protection welcomes the opportunity to comment on EPA's response to Clean Air Act (CAA) section 126(b) petitions from Delaware (DE) and Maryland (MD). EPA proposes to deny the petitions to find that emissions from sources in upwind states significantly contribute to nonattainment in MD and DE. Connecticut is fully supportive of both petitions and as explained below, Connecticut finds that EPA's basis for the proposed denial is flawed and contrary to the clear meaning and intent of the CAA.

DE's petitions demonstrate that four separate upwind sources significantly contribute to DE's nonattainment of the 2008 and 2015 ozone standards. DE points out that EPA's own modeling in support of the CSAPR Update shows that the states in which the sources are located, Pennsylvania and West Virginia, contribute ozone concentrations at levels of one percent or more of the 2008 and 2015 standards. DE uses additional modeling to show that each of the individual sources alone contributed at levels above one percent of the standard. Each of the sources have emission controls or alternative operation scenarios that could readily reduce their emissions and resultant contributions.

MD's petition demonstrates that 36 upwind sources located out of state contribute to air quality problems within MD. These sources are equipped with controls that are either not operated or are operated sub-optimally during the ozone season. MD included modeling showing reduced ozone concentrations result when these sources optimize operation of already existing controls. These reductions can be readily achieved at reasonable cost.

EPA proposes to deny DE's petition based on 2015 design values that are below the 2008 and 2015 ozone standards. EPA should not ignore more recent data, particularly the 2016 and 2017 design values, which exceed the 2015 standard. Ignoring these data, EPA erroneously concludes that there is no air quality problem in Delaware. Figure 1, included below, displays recent ozone design values for DE and MD, and clearly demonstrates there is an ongoing air quality problem in these states. Moreover, EPA has officially recognized the current air quality problem through the designation process for the 2015 ozone standard (83 FR 25776) having designated one DE county and twelve MD counties as nonattainment. EPA's conclusion that there is no air quality problem is inconsistent with these designations.

Connecticut also disagrees with the use of 2023 ozone modeling projections to claim that MD and DE do not have attainment problems. It is inconsistent with the CAA to evaluate air quality for attainment purposes at a date that is well beyond the designated attainment date. Both states have nonattainment areas designated as marginal nonattainment and have an attainment deadline of August 3, 2021 for the 2015 ozone standard. As this deadline is mid-way through an ozone season, attainment will need to be measured by the end of the 2020 ozone season. EPA's justification for using the 2023 projections is that this is the

first year new controls could be implemented. MD's requested remedy is to require already existing controls to operate on high ozone days; a remedy that does not require the additional three years. Furthermore, CAA section 126(c) clearly states that the offending sources must comply with emissions limitations no later than three years after the date of finding of contribution. This reinforces our statement that 2023 is an inappropriate year.

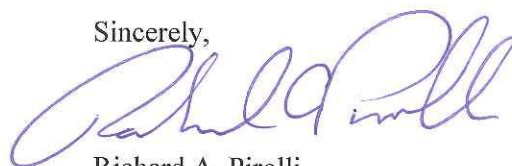
Even if it was valid to base attainment on 2023, the Edgewood, Harford County, MD (24-025-1001) site has a maximum modeled 2023 design value of 73.3 ppb indicating there is an ongoing maintenance issue for Maryland. EPA acknowledges the maintenance problem, but proposes to deny MD's petition out of concern for over-control. Yet MD's petition clearly states a cost-effective remedy whereby these contributing sources operate existing controls within manufacturers' specifications. In their 2023 modeling, EPA validates this remedy by including rates consistent with operating selective catalytic reduction (SCR) during the ozone season for each of the contributing sources subject to the petition. Ironically, EPA then relies on this projected air quality benefit to justify denying the petition or making the use of SCR on these units federally enforceable.

EPA claims the emission reductions which occurred in the 2017 ozone season due to the CSAPR-Update complete the good neighbor obligations for these contributing sources. Nevertheless, as shown in Figure 2, EPA further reduced emissions from these sources in its 2023 modeling to levels well below the 2017 emission rates. This, in combination with the measured violations, indicates a full remedy requires further action from these sources.

EPA should impose enforceable conditions on the upwind sources to assure that the sources are prohibited from interfering with attainment or maintenance of the ozone standards. Air quality problems persist and deadlines for attainment pass as solutions to ozone transport are continually delayed. The remedies proposed in the petitions are cost effective and achievable means to mitigate regional ozone transport. EPA should fulfill its obligations and grant the petitions.

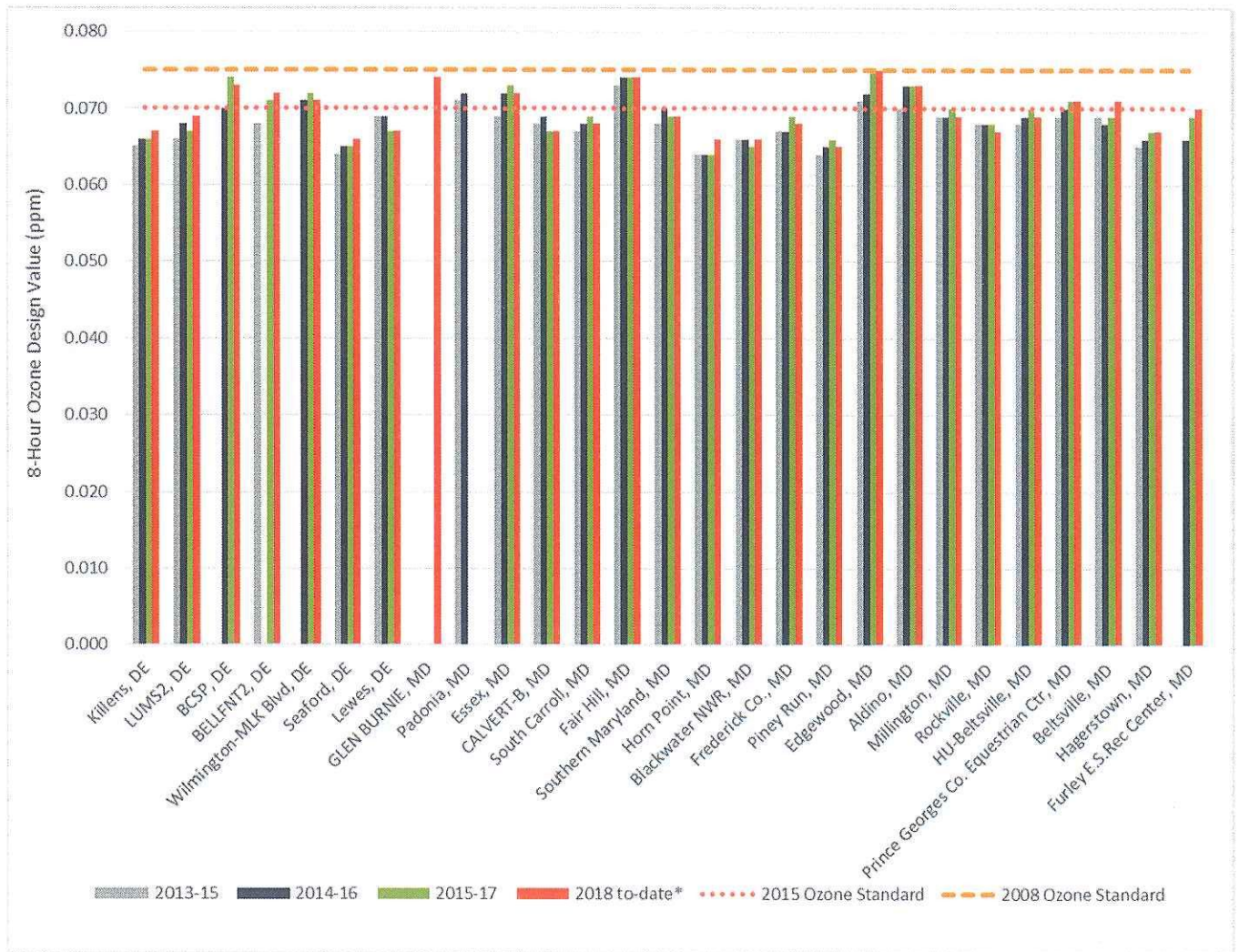
Connecticut appreciates the opportunity to comment on these proposals. If you have any questions please contact Ms. Kate Knight of my staff at (860) 424-4152.

Sincerely,



Richard A. Pirolli
Director, Air Planning and Standards

Figure 1. Measured Ozone Design Values at MD and DE Monitors



*As of July 16, 2018

Figure 2. Petitioned Sources Exceeding Rates Defined in EPA's Projections.

