



September 17, 2013

*Via Electronic Mail*

Douglas Aburano, Chief  
Attainment Planning and Maintenance Section  
Air Programs Branch (AR-181)  
U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604

**Re:** Docket ID No. EPA-R05-OAR-2011-0969

Dear Mr. Aburano:

The State of Connecticut, through its Department of Energy and Environmental Protection ("Connecticut"), submits the following comments on the proposed rule entitled "*Approval and Promulgation of Air Quality Implementation Plans; Indiana; the 2008 Lead and Ozone National Ambient Air Quality Standards; Indiana PSD; Indiana State Board Requirements*," published at 78 Federal Register 50360 (August 19, 2013). Please note, the scope of the attached comments is limited to the Environmental Protection Agency's (EPA) proposed rule as it relates to the proposed approval of Indiana's infrastructure state implementation plan ("Infrastructure SIP") for the 2008 ozone National Ambient Air Quality Standards (NAAQS).

Connecticut's ability to attain the 2008 8-hour ozone NAAQS is substantially compromised due to the overwhelming influence of transported air pollution from upwind states. Based on available modeling conducted by both the Ozone Transport Commission and the Environmental Protection Agency (EPA) as part of the Cross State Air Pollution Rule, Connecticut will require additional reductions of upwind emissions in order to sufficiently address transported emissions and attain the ozone NAAQS. Connecticut has adopted a suite of control measures to limit in-state ozone precursor emissions, continues to update existing measures, and is currently analyzing new opportunities to cost effectively control in-state emissions. However, the remaining measures for reducing in-state emissions are limited and are much more expensive on a cost-per-ton basis than measures the EPA deems cost effective.

Connecticut has done its fair share to reasonably control in-state emissions, and cannot continue to shoulder a disproportionate burden while upwind states fail to fulfill their obligations under the Clean Air Act. As part of the implementation of the 2008 8-hour ozone NAAQS, we expect EPA to ensure that every state fully addresses its contribution to any other state's ozone nonattainment.

Mr. Douglas Aburano

September 16, 2013

Page 2

Docket ID No. EPA-R05-OAR-2011-0969

Clean Air Act § 110(a)(1) requires states to submit revised SIPs that provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years after promulgation of such NAAQS, or within a shorter period prescribed by the EPA. The State of Indiana's Department of Environmental Management ("IDEM") submitted its infrastructure SIP on December 12, 2011 in response to the promulgation of the 8-hour ozone NAAQS.

Under Clean Air Act § 110(a)(2), IDEM was required to submit a complete SIP that demonstrated compliance with the good neighbor provision. According to the proposed rule, EPA notes that IDEM did submit plan elements purporting to comply with Clean Air Act § 110(a)(2)(D)(i)(I). However, EPA fails to specify or elaborate on the IDEM submission and instead elects to propose taking no action on this mandatory SIP element.<sup>1</sup>

The Clean Air Act gives EPA no discretion to approve a SIP without the good neighbor provision or to selectively ignore plan provisions submitted by a state on the grounds that it intends to address Indiana's § 110(a)(2)(D)(i)(I) obligations in a separate action. Since there is no separate action available to EPA under the Clean Air Act to address a state's failure to satisfy its good neighbor obligations aside from the promulgation of a Federal Implementation Plan (FIP) pursuant to § 110(c)(1) of the Clean Air Act, Connecticut respectfully requests that EPA's final rule in this matter establish a two year deadline to promulgate a § 110(a)(2)(D)(i)(I) FIP.

Sincerely,



Anne R. Gobin, Chief  
Bureau of Air Management

---

<sup>1</sup> See page 50365 at column 1 in the proposed rule.