JOHN G. ROWLAND
GOVERNOR

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS

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EXECUTIVE SECRETARIAT

February 5, 2004

READ BY MOL

Michael O. Leavitt, Administrator
U.S. Enviornmental Protection Agency
Ariel Rios Building, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Eight-Hour Ozone Air Quality-Recommendations for New Jersey and Connecticut

Dear Administrator Leavitt:

I am writing in support of the State of New Jersey's position on including Ocean County as part of the Southern New Jersey-Philadelphia eight-hour ozone non-attainment area. This recommendation is based both on sound science and the law. I made this recommendation in my original letter to Deputy Administrator Fisher on June 24, 2003, a copy of which is attached, and I appeal to you in this matter as it implicates three different EPA regions.

Ocean County is immediately downwind from Philadelphia on high ozone days, and as a consequence, is not significantly impacted by emissions from the remainder of the New York City Consolidated Metropolitan Statistical Area (CMSA), including Connecticut. A decision by EPA to locate Ocean County in the New York non-attainment area will directly impact Connecticut's air pollution planning efforts and our ability to eventually redesignate to attainment in a timely manner. We urge EPA to carefully consider the scientific and legal documentation developed by the State of New Jersey.

If EPA decides not to accept New Jersey's technical justification, Connecticut recommends that EPA designate Fairfield, New Haven and Middlesex Counties as a separate non-attainment area from the remainder of the New York City CMSA, albeit with Connecticut the same classification as the New York City nonattainment area. This would still require additional efforts by Connecticut but would provide us the opportunity to redesignate to attainment in a timely manner. I note that EPA set the precedent for such action with the decision to allow the State of New Hampshire to separate its southern area from the Boston CMSA. Such an action would hold Southwest Connecticut to the same level of control requirements as the remainder of the CMSA, while recognizing that Connecticut has no impact or control over the ambient levels measured downwind of Philadelphia in Ocean County. Connecticut would, of course, commit to continue to work closely with New Jersey and New York to evaluate and select appropriate control strategies to ensure timely attainment of the ozone standard in all areas of the CMSA.

STATE CAPITOL, HARTFORD, CONNECTICUT 06106
TEL: (860) 566-4840 • FAX: (860) 524-7396
www.state.ct.us/governor

We look forward to working with EPA to assure 8-hour ozone nonattainment boundaries, designations and classifications are scientifically grounded, legally defensible and in fact serve mutual goals of environmental protection and protecting public health. Thank you for your consideration.

Sincerely,

JOHN G. ROWLAND
Governor

JGR/tb

Attachment

cc: The Honorable Jane M. Kenny (EPA Region II)
The Honorable Bradley M. Campbell, Commissioner, (NJ DEP)
The Honorable Erin M. Crotty, Commissioner, (NY DEC)
The Honorable Kathleen M. McGinty, Secretary, (PA DEP)
The Honorable Robert Varney, Regional Administrator (EPA Region I)
The Honorable Donald S. Welsh, Regional Administrator (EPA Region III)
Arthur J. Rocque, Jr., Commissioner CT/DEP