



# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 22, 2010  
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella  
Department of Environmental Protection

### **Raised House Bill No. 5127**

### **AN ACT CONCERNING THE IMPLEMENTATION OF THE PROPOSALS OF THE OZONE TRANSPORT COMMISSION**

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Thank you for the opportunity to present testimony on Raised House Bill No. 5127, AN ACT CONCERNING THE IMPLEMENTATION OF THE PROPOSALS OF THE OZONE TRANSPORT COMMISSION.

The Department of Environmental Protection (Department) opposes this bill, as it creates an unnecessary administrative process, which will consume limited resources on non-value added procedure.

The Ozone Transport Commission or OTC was created by Congress under the Clean Air Act Amendments of 1990 to coordinate among its member states in the Northeast and Mid-Atlantic region and develop and recommend emission reduction strategies to attain the federal ozone National Ambient Air Quality Standards (NAAQS). Members of the Ozone Transport Commission include Connecticut as well as Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Massachusetts, Pennsylvania, Rhode Island, Virginia, Vermont and the District of Columbia. The Department's staff has been actively participating in OTC committees for nearly two decades.

Despite very significant improvements over the last 40 years in the quality of the air we breathe, attaining and maintaining the federal ozone NAAQS presents a significant challenge for the states. This challenge is due in part to the federal government's tightening of the NAAQS overtime, in response to new scientific data on the adverse health effects of ozone. We expect that many areas in the OTC states, including the entire State of Connecticut, will soon be required to develop enforceable requirements to meet an even more stringent ozone NAAQS that was proposed by U.S. Environmental Protection Agency (EPA) earlier this year.

Due to the nature of the air quality challenge in the OTC, EPA and the states need to coordinate to share the costs of investigating, developing and implementing new approaches to reduce ozone precursor emissions. Now, as in past years, the OTC has developed a menu of potential control strategies, which individual states are free to modify and adopt as necessary to meet their ozone attainment goals.

The OTC control measure development process begins with an exhaustive review of all potential control measures that are reasonably economical - and that will produce emissions reductions, which will help move a state towards attainment. OTC Committee members with stakeholder input narrow the hundreds of possible control measures before developing a short list of measures for further research. For each measure on the short list, research is conducted to: calculate the emission reduction potential; identify the number of affected facilities; identify similar state and federal rules; understand the fiscal impact on the regulated sources; and evaluate the state implementation burden. The information gathered provides a basis for, but does not replace, similar state-specific activity.

The OTC invites interested parties to attend meetings and submit written and oral comment on developing control measures. OTC carefully considers the comments received from stakeholders. Only after satisfactorily addressing concerns about a control measure will an OTC committee recommend a control measure to the air directors of the OTC states.

When the measures are complete to the satisfaction of the air directors, the final recommendations of the OTC committees are often established as regional policy. The OTC formal policy actions are statements of intent to pursue adoption of the discussed control measure or measures. The OTC's resolutions do not require a state's rules be identical with an OTC model rule. Each state is free to reassess and modify the requirements as appropriate to that state's circumstances and to be informed by its own public participation process. In summary, the OTC process does not supplant but expands the opportunities for stakeholder participation in air quality rule development.

In recognition that Connecticut stakeholders have not actively engaged in the OTC control measure process, The Department's staff has enhanced outreach efforts to engage more Connecticut stakeholders earlier in the process. For example, outreach sessions have been held with the autobody refinishing industry. Additional stakeholder sessions with above ground storage tank owners and manufacturers of small boilers and heaters are also planned. The March OTC committee meeting will be in Hartford to further engage Connecticut stakeholders.

All of this OTC process and public participation is a prelude to, rather than a replacement for, a state rulemaking process. The additional public hearings and administrative burden that would be required by AN ACT CONCERNING THE IMPLEMENTATION OF THE PROPOSALS OF THE OZONE TRANSPORT COMMISSION is duplicative of the OTC process, particularly given the Department's efforts to enhance Connecticut industry's access to and participation in the OTC input process. Thus, the Department opposes adoption of this bill.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).