



**RESOLUTION OF THE OZONE TRANSPORT COMMISSION
REQUESTING THAT THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY ADDRESS THE GOOD NEIGHBOR PROVISION
FOR THE 2008 AND 2015 OZONE NATIONAL AMBIENT AIR QUALITY
STANDARDS**

Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Virginia

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Whereas, the Ozone Transport Commission (OTC), a multi-state organization created under the Clean Air Act (CAA), is required to advise the United States Environmental Protection Agency (EPA) on practical and cost-effective strategies or measures, based on sound science, aimed to address the environmental and health problems associated with ground-level ozone transport that negatively impacts the Northeast and Mid-Atlantic regions; and

Whereas, ozone is a significant health threat and oxides of nitrogen (NO_x) are a precursor to the creation of ground-level ozone. Ozone is known to cause respiratory illnesses, exacerbate or trigger asthma-related episodes, increase respiratory-related emergency room and hospital admissions, and compromise immune systems leading to increased incidents of other respiratory illnesses, including pneumonia and bronchitis, and to cause premature death, while NO_x causes its own adverse respiratory issues; and

Whereas, the OTC strives to apply an equitable and consistent regulatory framework and consistent emission control levels throughout the region in the interest of the public, stakeholders, and regulated parties; and

Whereas, the states in the Ozone Transport Region (OTR) recognize that upwind states are significantly contributing to nonattainment and interfering with maintenance of the ozone National Ambient Air Quality Standard (NAAQS) in the transport region; and

Whereas, many states failed to submit, or have submitted inadequate, transport State Implementation Plans (SIPs) under the "good neighbor" provision of CAA section 110(a)(2)(D)(i)(I); and

Whereas, the EPA proposed an update to its Cross-State Air Pollution Rule (CSAPR) for the 2008 NAAQS on December 3, 2015 that it described as a "partial remedy" to address transported ozone and its precursors; and

Whereas, EPA has therefore not fully met its obligation to provide a sufficient federal backstop to the "good neighbor" provision and it has not indicated when, or if, it will fully address transported ozone for the 2008 ozone NAAQS; and

Whereas, the EPA adopted a new ozone NAAQS of 0.070 parts per million on October 1, 2015, for which states will need to submit transport SIPs to EPA no later than October 1, 2018; and

Whereas, additional emission reductions will be needed in states outside the current OTR in order to facilitate attainment of the 2015 ozone NAAQS throughout the transport region;

THEREFORE, BE IT RESOLVED, that the OTC respectfully requests that EPA propose a subsequent update to the CSAPR program and other regulatory mechanisms by June 2017 to provide a full remedy for transport of ozone pollution pursuant to the 2008 ozone NAAQS. This update should ensure the equitable treatment of NOx emissions across states and include NOx control of significant source categories in addition to power plants; and

BE IT FURTHER RESOLVED, that the OTC respectfully requests that EPA expeditiously address transport for the 2015 ozone NAAQS by characterizing significant contributions and providing direction to fully remedy the significant contributions to nonattainment and interference with maintenance of the 2015 ozone NAAQS in time for states to utilize in their transport SIPs due October 1, 2018.

Adopted by the Commission on June 3, 2016

A handwritten signature in black ink, appearing to read 'J. Snyder', is written over a horizontal line.

Jared Snyder, OTC Chair

Deputy Commissioner, New York State Department of Conservation