

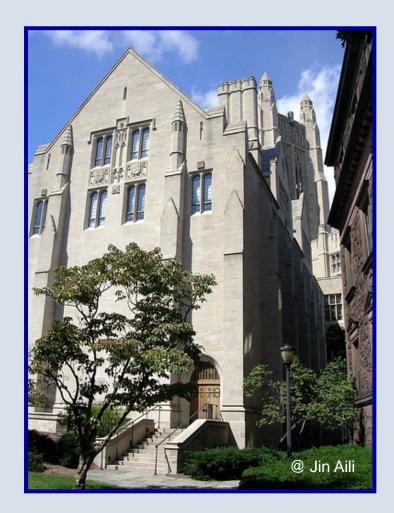
# A Status Report: EPA Efforts

 A Potential State Collaboration -Individual State Actions



June 13, 2013 – OTC Meeting Tad Aburn - Air Director, MDE

# Topics



- The EPA Transport Process
- A potential collaboration between upwind and downwind states to solve the ozone transport problem
- Individual state legal efforts to compel action on ozone transport
- OTC proposed principles for the EPA process



# The EPA Transport Process

#### Regional meetings on April 7 and 18

One in the East ... one in the West

#### Multiple conference calls

- Some with Commissioners and Air Directors
- Others that are more technical
  - Air Directors and technical staff

#### EPA has been very clear

- They will not propose a solution
- They will take a formal action to establish the "Good Neighbor" responsibilities for all upwind states
  - Could be an emission reduction requirement
  - Could be a requirement for the upwind state to adopt control programs to achieve a concentration reduction (ppb or ug/m3) in a specific downwind area
- Whatever EPA ends up doing ...
  - The bottom line is that the states will need to find the solution
  - EPA schedule has not yet been announced





### The State Role in the EPA Process

#### Provide Comments to EPA on critical issues

- Technical Issues
- Some complicated issues resulting from the Homer City decision
- Will be discussing OTC principles later

Begin to look at what the "solution" or "remedy" might be

 Some preliminary discussion on a collaborative process between the states has already started



# Getting a Collaborative Effort Started

## ... finding the solution

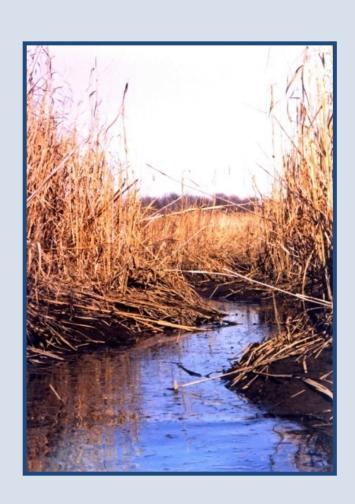
Really picked up steam since early April

EPA meetings clearly generated interest

Still some confusion over what the EPA process will be and who is responsible for doing what ...

- The EPA process will only establish emission reduction responsibilities for upwind states
- States are to identify the solution which sources to control ... and then do it
  - Appears to be great interest in getting this discussion started
    - OTC has already reached out to Midwest and Southern states





### A Collaborative Effort Between States?

### ... getting discussions started







There have already been very good, preliminary discussions at the individual Air Director level on how to begin a "technical" collaboration

Appears to be several major themes

- It's more than power plants
- Mobile source NOx reduction are critical – Analyze potential Tier 3 benefits
- Power plants are important but there are some interesting trends
- ICI Boilers are also experiencing positive change in emissions

### The OTC Transport Team

At it's November 10, 2011 meeting the OTC charged the Air Directors to develop a technical and legal strategy to better address regional transport

 Some areas of the southern OTR continue to measure "incoming" ozone levels that are already above the new 75 ppb standard.

A Transport Team is now in place to coordinate this effort

- Looking at both technical analyses and legal options
- A group of individual states (not OTC)
  have been working on and in some
  cases moving forward with legal
  challenges to compel action on reducing
  ozone transport





# Potential Transport Actions

- o Pushing and supporting federal measures to reduce transport
- Section 107 recommendations for very large nonattainment areas
- o Challenging upwind states "Transport SIPs" (the Section 110A2D "Good Neighbor" SIP)
- May 31 letter (asking 9 upwind states to join the OTC) and consideration of a 176A Petition to expand the Ozone Transport Region
- o Section 126 Petitions against stationary sources
- o Another "state partnership" effort





# OTC Principles





- Statement of Principles by the Ozone Transport Commission Regarding the **Environmental Protection** Agency's Consideration of Implementing the Clean Air Act's Section 110(a)(2)(D)**Good Neighbor Provisions**
- Separate handout

