



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

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, to address the environmental and health problems associated with high ground-level ozone levels in the states of the OTC; and

Connecticut

WHEREAS, the EPA adopted the 2008 ozone national ambient air quality standard (NAAQS) on March 27, 2008 (*73 Federal Register* 16436); and

Delaware

District of Columbia

WHEREAS, the OTC states and the EPA recognize that upwind states are significantly contributing to nonattainment and interfering with maintenance of the 2008 ozone NAAQS in the OTC states due to the emission of ozone precursor pollutants in the upwind states and transport of ozone and its precursor pollutants to the states of the Ozone Transport Region (OTR); and

Maine

Maryland

Massachusetts

WHEREAS, the states were required to submit a State Implementation Plan (SIP) by March 2011 that addressed, among other provisions, the “good neighbor” requirements (Good Neighbor SIP) of CAA Section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS; and

New Hampshire

New Jersey

WHEREAS, many states failed to submit or submitted inadequate Good Neighbor SIPs for the 2008 ozone NAAQS; and

New York

Pennsylvania

WHEREAS, the EPA adopted the 2015 ozone NAAQS on October 26, 2015 (*80 Federal Register* 65291); and

Rhode Island

WHEREAS, the states are required to submit a Good Neighbor SIP by October 2018 for the 2015 ozone NAAQS; and

Vermont

Virginia

WHEREAS, the EPA adopted an update to its Cross-State Air Pollution Rule (CSAPR Update) for the 2008 NAAQS on October 26, 2016 (*81 Federal Register* 74504) that EPA described as a “partial remedy” to the transport of ozone and ozone precursors; and

David Foerter
Executive Director

WHEREAS, the EPA has an obligation to assure a full remedy when states fail to submit, or have submitted inadequate Good Neighbor SIPs, and the EPA’s failure to create a full remedy with all due haste has left millions of residents in the OTR breathing unhealthy air and the OTC states bearing the economic burden of the associated health impacts; and

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WHEREAS, in 2017 the greater New York - Northern New Jersey - Long Island, New York nonattainment area has been “bumped up” to moderate nonattainment for the 2008 ozone NAAQS; and

WHEREAS, the EPA has an obligation to assure a full remedy when states fail to submit, or have submitted inadequate Good Neighbor SIPs, and the EPA's failure to create a full remedy with all due haste has left millions of residents in the OTR breathing unhealthy air and the OTC states bearing the economic burden of the associated health impacts; and

WHEREAS, in 2017 the greater New York - Northern New Jersey - Long Island, New York nonattainment area has been "bumped up" to moderate nonattainment for the 2008 ozone NAAQS; and

WHEREAS, the states of Connecticut and New York submitted attainment plans for the 2008 ozone NAAQS demonstrating that attainment cannot be achieved without an effective implementation of the good neighbor requirements of the CAA; and

WHEREAS, the research and modeling conducted by OTC and the OTC states show that the most important strategy for continued progress on reducing ground-level ozone throughout the OTR is regional NOx emissions reductions through actions by the OTC states and by states that significantly contribute to ozone in the OTR, and federal actions; and

WHEREAS, preliminary ozone monitoring for 2015 through 2017 indicates that nonattainment persists in the OTR; and

WHEREAS, preliminary modeling conducted by EPA in support of the CSAPR Update indicates that significant additional NOx reductions are needed in the contributing states to enable OTC nonattainment areas to attain and maintain the 2008 and 2015 ozone standards; and

WHEREAS, the OTC technical committees have completed analyses to identify the top 5 mobile and stationary source strategies for states within and upwind of the OTR to consider as they finalize their overdue Good Neighbor SIPs for the 2008 ozone standard; and

WHEREAS, the OTC states have demonstrated that mobile source strategies have proved effective, including strong idle reduction programs in many states and an effective federal/state partnership on aftermarket catalysts offer significant emission reduction opportunities; and

WHEREAS, the OTC's analysis of contributing state emissions indicates that significant ozone precursor emission reductions can be achieved from various stationary and area source categories that represent a significant portion of the emissions.

WHEREAS, on October 27, 2017, the EPA issued *October 2017 Memo and Supplemental Information on Interstate Transport SIPs for the 2008 Ozone NAAQS* that many OTC states regard as questionable, potentially inconsistent with forecasted enforceable state commitments, and failing to address interstate transport pursuant to the 2015 ozone NAAQS.

WHEREAS, EPA's October 2017 Memo and Supplemental Information does not inform states of their Good Neighbor interstate transport obligations pursuant to the 2008 and 2015 ozone NAAQS.

THEREFORE, BE IT RESOLVED, that the OTC requests that the EPA in all due haste define the elements of a full remedy for transport of ozone pollution pursuant to the 2008 and 2015 ozone NAAQS. This will inform states of their obligations to ensure an equitable treatment of NOx emissions across states

and include NO_x control of substantial source categories in each state that significantly contributes to nonattainment or maintenance concerns in a downwind state; and

BE IT FURTHER RESOLVED, the OTC requests the EPA to work with states to refine the modeling described in the EPA October 2017 Memo to accurately inform states of their Good Neighbor SIP obligations pursuant to the 2008 and 2015 ozone NAAQS.

BE IT FURTHER RESOLVED, that the OTC suggests that the EPA should not approve a Good Neighbor SIP from a state that significantly contributes to another state's ongoing nonattainment or interferes with maintenance of the 2008 or 2015 ozone NAAQS without including appropriate remedies. At a minimum, such a state must demonstrate that all necessary and appropriate emissions reduction measures have been adopted or the state has committed to seek adoption of such measures; and

BE IT FURTHER RESOLVED, that the OTC urges the EPA to ensure that all states that are significantly contributing to OTC nonattainment areas for the 2008 or 2015 ozone NAAQS consider, at a minimum, the following high priority regional NO_x reducing strategies as such states develop Good Neighbor SIPs. These strategies have been identified by the OTC technical committees based on the analysis of publicly available emissions data:

- Requiring existing coal-fired EGUs that have installed SCR or SNCR NO_x control technology to optimize the use of those control technologies each day of the ozone season,
- Requiring existing coal-fired EGUs that have not installed SCR or SNCR NO_x control technology to install SCR or SNCR control technology if determined to be cost effective and to optimize the use of such control technology each day of the ozone season,
- If appropriate to the source categories within the state, implementing the OTC's recommendations for natural gas pipeline compressor fuel-fired prime movers,
- Implementing the aftermarket catalyst program being developed as part of a public-private partnership among the states, the EPA and the private sector, and
- Implementing an idle reduction program to reduce NO_x emissions from mobile sources that is generally consistent with the OTC's Idling Reduction Documents; and

BE IT FURTHER RESOLVED, that the OTC urges the EPA to work with the OTC states and with upwind states contributing to another state's ongoing nonattainment or interfering with maintenance of the 2015 ozone NAAQS by providing timely guidance and additional NO_x reduction strategies to develop such states' Good Neighbor SIPs.

Adopted by the Commission on November 15, 2017



Benjamin Grumbles, OTC Chair



Shawn Garvin, Vice Chair