

**MEMORANDUM OF UNDERSTANDING AMONG THE STATES OF THE OZONE
TRANSPORT COMMISSION REGARDING NEW REGIONAL CONTROL MEASURES
IN THE OZONE TRANSPORT REGION**

WHEREAS there is a pervasive ozone problem in the Northeast and Mid-Atlantic States;
and

WHEREAS certain ozone nonattainment areas within the Ozone Transport Region (OTR) must address emission reduction shortfalls that the U.S. Environmental Protection Agency (EPA) identified in late 1999 in proposed rulemaking; and

WHEREAS the Ozone Transport Commission (OTC) approved Memorandums of Understanding (MOUs) in January and June of 2000 regarding developing additional control measures in the OTR; and

WHEREAS OTC, at its June 2000 meeting, established the 2001 Winter Meeting as the target date for completing action on a set of potential control measures; and

WHEREAS, given the regional nature of the ozone problem, a regional control approach is warranted, particularly where such action not only addresses emission reduction shortfalls, but also promotes the introduction into commerce of less polluting products for sale to the public; and

WHEREAS, after reviewing regulations already in place in OTC and other States, reviewing technical information, consulting with other State and Federal agencies, consulting with stakeholders, and presenting draft model rules in a special OTC meeting, OTC developed final model rules for the following source categories:

- consumer products;
- portable fuel containers;
- architectural and industrial maintenance coatings;
- solvent cleaning operations;
- mobile equipment repair and refinishing; and
- additional oxides of nitrogen (NO_x) controls for industrial boilers, cement kilns, stationary reciprocating engines, and stationary combustion engines; and

WHEREAS implementing these rules will help attain and maintain the one-hour National Ambient Air Quality Standard (NAAQS) for ozone, and will also make progress toward reducing eight-hour ozone levels in the OTR; and

WHEREAS a regional market across the OTR will help maximize the effectiveness of the model rules relating to specific commercial products, including consumer products, portable fuel containers, and architectural and industrial maintenance coatings; and

WHEREAS the portable fuel containers model rule can be used as the basis of proposed regulations by OTC States across the OTR, not only to reduce VOC emissions to address ozone problems, but also to address OTC States' concerns regarding gasoline

spillage and proper gasoline handling, particularly in light of concerns regarding methyl tert-butyl ether (MTBE); and

WHEREAS these model rules were developed with the intent of ensuring emission reduction effectiveness, cost effectiveness, multiple pollutant benefits, energy conservation, pollution prevention, and regulatory consistency among the States of the OTR wherever possible;

THEREFORE BE IT RESOLVED that the undersigned States support the model rules; and

FURTHERMORE that the undersigned States agree that the consumer products, portable fuel containers, and architectural and industrial maintenance coatings model rules will provide the principal means to address volatile organic compound (VOC) emission shortfalls identified by EPA, and that consumer products and architectural and industrial maintenance coating rules will include implementation dates in 2005 and will emphasize uniformity of volatile organic compound (VOC) content standards specified in the model rules; and

FURTHERMORE that States will propose these regulations for consumer products, architectural and industrial maintenance coatings, and portable fuel containers, as necessary, to address the EPA-identified shortfalls, to help develop a regional market, to help attain and/or maintain the one-hour NAAQS, and to reduce eight-hour ozone levels;

FURTHERMORE that the solvent cleaning and mobile equipment repair and refinishing model rules will be used as the basis for proposed regulations by OTC States that need them for one-hour attainment in severe nonattainment areas and in proximity to these areas to the extent creditable in State Implementation Plans; in addition, these rules may be used by other OTC States in order to help maintain the one-hour ozone NAAQS, and reduce eight-hour ozone levels; and

FURTHERMORE that the additional NO_x controls model rule is encouraged for use by all OTC States as the basis of proposed regulations on an annual basis in order to reduce one-hour and eight-hour ozone levels, reduce acid deposition and nutrient deposition into waterways, and to begin progress to reduce fine particulate levels and improve regional visibility.

Approved March 28, 2001

Signed this 28th day of March 2001

Janet Stahl

Connecticut

Nicholas A. Perrone

Delaware

Frank J. ...

District of Columbia

Maureen Kerpak

Maine

Jane Nichols

Maryland

Sonia W. Hamel

Massachusetts

Ross W. V.

New Hampshire

[Signature]

New Jersey

[Signature]

New York

[Signature]

Pennsylvania

Jan ...

Rhode Island

[Signature]

Vermont

John Paul Woodley, Jr.

Virginia