

**RECOMMENDATION OF THE
STATES OF THE OZONE TRANSPORT COMMISSION
OF AN OTC LOW EMISSION VEHICLE PROGRAM UNDER SECTION 184(c) OF THE
CLEAN AIR ACT**

WHEREAS, the States composing the Ozone Transport Region (OTR)* are faced with a pervasive ozone nonattainment problem; and

WHEREAS regional ozone modeling to date has shown the need for emission reductions beyond those which will be realized through the strategies specifically included in the Clean Air Act; and

WHEREAS the Clean Air Act, provides the Ozone Transport Commission (OTC) with a mechanism under Section 184(c) to review and recommend additional control measures in all or part of the OTR to control regional ozone; and

WHEREAS motor vehicles, in the aggregate, are the single largest source of ozone precursors within the OTR, and introduction of Low Emission and Zero Emission Vehicles are essential; and

WHEREAS the Clean Air Act also grants States under Section 177 the option of adopting more stringent Low Emission Vehicle (LEV) standards for new motor vehicles; and

WHEREAS based on the technical analysis done by the States of the OTC to date LEVs provide substantial and cost effective emission reductions; and

WHEREAS the OTC under Section 184(c) proposed on November 17, 1993, a regional LEV program, hereafter known as the Ozone Transport Commission Low Emission Vehicle (OTC LEV) program, after having been petitioned by three OTC States to consider developing such a recommendation; and

WHEREAS the OTC provided at that time notice and opportunity for public comment as required by Section 184(c) of the Clean Air Act, including a public hearing in Hartford, Connecticut, on December 16-17, 1993, and has analyzed and responded to the comments received in the attached Response to Comments; and

WHEREAS the OTC has analyzed the impact and need for LEV in the OTR as documented in the attached Technical Support Document; and

WHEREAS the OTC received and analyzed an alternative proposal from the automobile manufacturers which, while an improvement over Tier I Federal vehicles, would require programmatic and timing enhancements and the addition of an electric vehicle component to ensure that enforceable vehicle emission reductions comparable to those achieved by the OTC LEV program could be achieved in a more timely manner; and

* The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, the District of Columbia, and that part of Virginia within the Consolidated Metropolitan Statistical Area which includes the District of Columbia;

WHEREAS the OTC expects the U.S. Environmental Protection Agency, through the consultation process provided in Section 184(c) of the Clean Air Act, to evaluate alternatives (including the program presented by the automobile manufacturers with enhancements) which are comparable in terms of enforceability, timeliness, and quantity of emission reductions to those achieved by the OTC LEV program, are consistent with the Clean Air Act, and advances technology;

THEREFORE, the Ozone Transport Commission determines that a regional LEV program, the OTC LEV program, is necessary to bring the Ozone Transport Region into attainment by the dates provided in the Clean Air Act; and

FURTHERMORE, that by majority vote of the States of the Ozone Transport Commission, as indicated by the attached signature sheet, the Ozone Transport Commission transmits the attached strategy recommendation regarding the OTC LEV program to the Administrator of the U.S. Environmental Protection Agency; and

FURTHERMORE that adoption of this recommendation by the Ozone Transport Commission or approval of this recommendation by the U.S. Environmental Protection Agency will not require the adoption of California reformulated gasoline standards by any jurisdiction within the OTR; and

FURTHERMORE that as a part of this submittal, the Ozone Transport Commission includes the attached Response to Comments received during the public's opportunity to comment on this matter, and the attached Technical Support Document which addresses the requirements of Section 184(d) of the Clean Air Act; and

FURTHERMORE that the Ozone Transport Commission will participate fully in the consultation process on this recommendation with the U.S. Environmental Protection Agency as provided in Section 184 (c) (3) of the Clean Air Act.

Signed this 27th day of September, 1994 by the following:

CONNECTICUT: Timothy R. Gunning

DELAWARE: Richard J. Calou

DISTRICT OF COLUMBIA: Terrel A. Bishop

MAINE: Michael H. Gault

MARYLAND: [Signature]

MASSACHUSETTS: TRUG ONE

NEW HAMPSHIRE: Robert W. V...

NEW JERSEY: [Signature]

NEW YORK: Harold M. Marsh

PENNSYLVANIA: Arthur A. Fani

RHODE ISLAND: [Signature]

VERMONT: [Signature]

VIRGINIA: [Signature]