



**MEMORANDUM OF UNDERSTANDING
AMONG THE STATES OF THE OZONE TRANSPORT
COMMISSION TO PURSUE ADDITIONAL REDUCTIONS OF
OXIDES OF NITROGEN EMISSIONS FROM MUNICIPAL WASTE
COMBUSTORS**

WHEREAS, the Ozone Transport Commission (OTC) was established under Sections 176A and 184 of the federal Clean Air Act (CAA) to ensure the development and implementation of regional strategies to reduce ground-level ozone to healthy levels; and

Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Virginia

WHEREAS, there are OTC member States including the District of Columbia (States) that face persistent challenges in their efforts to attain and maintain the health-based National Ambient Air Quality Standard (NAAQS) for ozone; and

WHEREAS, the CAA recognizes that ozone can cause respiratory illnesses, exacerbate or trigger asthma related episodes, increase respiratory-related emergency room and hospital admissions, and compromise the immune system leading to incidents of other respiratory illnesses including pneumonia and bronchitis and premature death; and

WHEREAS, the OTC is charged with identifying and addressing the contributions of all relevant sources of air pollution to the ozone problem, including the transport of ozone and its precursors, nitrogen oxides (NO_x) and volatile organic compounds (VOCs), into as well as throughout the Ozone Transport Region (OTR); and

WHEREAS, the OTC has been in place since 1991 and has developed considerable policy and technical expertise on ozone policy, implementation of ozone control strategies, opportunities to enhance economic development and job creation, air pollution control technology, and the science of ground level ozone formation; and

Paul J. Miller
Executive Director

WHEREAS, the OTC member States have already taken aggressive steps to reduce ozone pollution within the OTR, and recognize that additional efforts are needed to further reduce emissions from a variety of sectors to attain and maintain healthy air quality; and

WHEREAS, the research and modeling conducted by OTC, member States, and the U.S. Environmental Protection Agency (EPA) 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, upwind states outside the OTR that significantly contribute to ozone formation in the OTR, and the federal government; and

WHEREAS, States that prohibit the current and future operation of municipal waste combustors (MWCs) by law recognize that State, regional, and federal efforts to further reduce emissions from this source category will achieve additional public health and environmental benefits and will reduce transport of ozone and its precursors into the OTR as well as throughout the OTR; and

WHEREAS, the undersigned States seek to develop cost-effective solutions to reduce NOx emissions; and

WHEREAS, a workgroup of the OTC Stationary and Area Sources Committee has completed a technical analysis on Municipal Waste Combustors (MWCs) and report that shows:

- More than 100 MWCs are in operation in the OTR that emit over 22,000 tons of NOx emissions annually,
- Approximately 60 MWCs are in operation in states outside of the OTR that are contributing to ozone pollution in the OTR,
- MWC emissions affect overburdened environmental justice communities that are disproportionately impacted by emissions from stationary and mobile sources,
- Additional NOx controls are technically feasible and cost effective for most large MWCs in the OTR,
- Additional NOx controls for MWCs in the OTR could reduce NOx emission in the OTR by approximately 6,800 tons per year; and

WHEREAS, States in the OTR have established daily, monthly, and/or annual limits on NOx emissions from MWCs, and State limits are in the process of being updated; and

THEREFORE, the undersigned States agree to work together to pursue additional NOx reductions from MWCs in the region.

FURTHERMORE, after review and analysis of the OTC MWC report, States that do not prohibit the operation of MWC by law, shall select the strategy or combination of strategies, as necessary and appropriate, that provides both the maximum certainty and

flexibility for that State and its MWCs. Such mechanisms for achieving the reductions may include, but are not limited to:

- NOx emissions limits in ppmvd,
- NOx emission limit averaging times,
- Updating presumptive Reasonably Available Control Technology (RACT) standards for MWCs,
- Updating facility-specific RACT standards for MWCs.

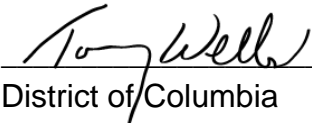
FURTHERMORE, as necessary and appropriate, the undersigned States will continue to evaluate MWC emissions in the OTR.

FURTHERMORE, the undersigned States agree to collaborate with the EPA to evaluate national strategies to achieve reductions from MWCs and/or regional strategies focusing on the states upwind of the OTR.

Executed by the undersigned States this 2nd day of June, 2022



Connecticut



District of Columbia

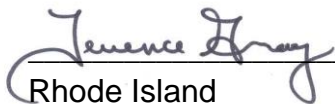


Maryland

New Hampshire



New York

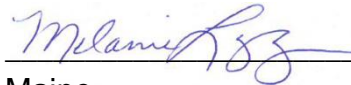


Rhode Island

Virginia



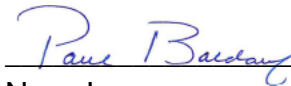
Delaware



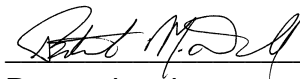
Maine



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