



**RESOLUTION OF THE OZONE TRANSPORT COMMISSION  
REQUESTING THAT THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY UPDATE REASONABLY AVAILABLE  
CONTROL TECHNOLOGY GUIDANCE**

Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Virginia

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**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, aimed to address the environmental and health problems associated with ground-level ozone transport that negatively impact the Northeast and Mid-Atlantic regions; and

**Whereas**, ozone is a significant health threat and oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOCs) are precursors to the creation of ground-level ozone. Ozone is known to cause respiratory illnesses, exacerbate asthma-related episodes, compromise immune systems, and cause premature death, while NO<sub>x</sub> can also lead to adverse respiratory health effects and VOCs can irritate the eyes, nose, and throat, cause headaches and nausea, damage internal organs, or cause cancer; and

**Whereas**, the EPA adopted a new ozone National Ambient Air Quality Standards (NAAQS) of 0.070 parts per million on October 1, 2015. States will be required to submit a Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) to EPA by July 1, 2019. Any new RACT requirements must be implemented by 2022; and

**Whereas**, the OTC strives to apply an equitable and consistent regulatory framework and consistent emission control levels throughout the region in the interest of the public, stakeholders, and regulated parties; and

**Whereas**, under CAA Section 183 required EPA to issue and periodically update Control Techniques Guidelines (CTGs) that define RACT for those sources that make the most significant contributions to ozone formation and issue and revise as necessary Alternative Control Techniques (ACTs) for all categories of sources that have the potential to emit 25 tons of NO<sub>x</sub> or VOCs per year to assist States in determining RACT; and

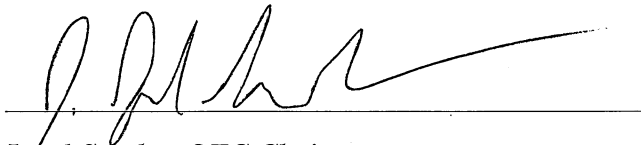
**Whereas**, EPA has not evaluated or updated most of its CTGs and ACTs with the frequency necessary to consider and address the air quality needs of the nation, the decreasing costs of effective controls, and the obligations of states to reduce air pollution in accordance with federal guidelines under CAA Section 183; and

**Whereas**, CAA Section 182(b)(2) and Section 182(f) require each state to revise its SIP to evaluate and update its RACT regulations to reflect what is currently considered RACT each time the EPA revises the ozone NAAQS; and

**Whereas**, the EPA's failure to update RACT guidance hampers states' efforts to improve air quality and attain and maintain the NAAQS, in reasonable time frame through cost-effective emission reductions; and

**THEREFORE, BE IT RESOLVED**, that the OTC respectfully requests that EPA update its RACT guidance as soon as possible. The updated RACT guidance should be informed by the RACT regulations adopted by OTC member states and by demonstrated control technology that should enable states to attain and maintain the 2015 ozone NAAQS.

*Adopted by the Commission on June 3, 2016*

A handwritten signature in black ink, appearing to read 'J. Snyder', is written over a horizontal line.

Jared Snyder, OTC Chair  
Deputy Commissioner, New York State Department of Environmental Conservation