

Next Steps on Transport

A Status Report: EPA Efforts - A Potential State Collaboration - Individual State Actions



June 13, 2013 – OTC Meeting
Tad Aburn - Air Director, MDE

Topics



- The EPA Transport Process
- A potential collaboration between upwind and downwind states to solve the ozone transport problem
- Individual state legal efforts to compel action on ozone transport
- OTC proposed principles for the EPA process

The EPA Transport Process

Regional meetings on April 7 and 18

- One in the East ... one in the West

Multiple conference calls

- Some with Commissioners and Air Directors
- Others that are more technical
 - Air Directors and technical staff

EPA has been very clear

- They will not propose a solution
- They will take a formal action to establish the “Good Neighbor” responsibilities for all upwind states
 - Could be an emission reduction requirement
 - Could be a requirement for the upwind state to adopt control programs to achieve a concentration reduction (ppb or ug/m³) in a specific downwind area
- Whatever EPA ends up doing ...
 - The bottom line is that the states will need to find the solution
 - EPA schedule has not yet been announced



The State Role in the EPA Process

Provide Comments to EPA on critical issues

- Technical Issues
- Some complicated issues resulting from the Homer City decision
- Will be discussing OTC principles later

Begin to look at what the “solution” or “remedy” might be

- Some preliminary discussion on a collaborative process between the states has already started



Getting a Collaborative Effort Started

... finding the solution

Really picked up steam since early April

- EPA meetings clearly generated interest

Still some confusion over what the EPA process will be and who is responsible for doing what ...

- The EPA process will only establish emission reduction responsibilities for upwind states
- States are to identify the solution - which sources to control ... and then do it
 - Appears to be great interest in getting this discussion started
 - OTC has already reached out to Midwest and Southern states



A Collaborative Effort Between States?

... getting discussions started



There have already been very good, preliminary discussions at the individual Air Director level on how to begin a “technical” collaboration

Appears to be several major themes

- It's more than power plants
- Mobile source NOx reduction are critical – Analyze potential Tier 3 benefits
- Power plants are important but there are some interesting trends
- ICI Boilers are also experiencing positive change in emissions



The OTC Transport Team

At it's November 10, 2011 meeting the OTC charged the Air Directors to develop a technical and legal strategy to better address regional transport

- Some areas of the southern OTR continue to measure “incoming” ozone levels that are already above the new 75 ppb standard.

A Transport Team is now in place to coordinate this effort

- Looking at both technical analyses and legal options
- A group of individual states (not OTC) have been working on - and in some cases moving forward with – legal challenges to compel action on reducing ozone transport



Potential Transport Actions

- o Pushing and supporting federal measures to reduce transport
- o Section 107 recommendations for very large nonattainment areas
- o Challenging upwind states “Transport SIPs” (the Section 110A2D “Good Neighbor” SIP)
- o May 31 letter (asking 9 upwind states to join the OTC) and consideration of a 176A Petition to expand the Ozone Transport Region
- o Section 126 Petitions against stationary sources
- o Another “state partnership” effort



OTC Principles



- Statement of Principles by the Ozone Transport Commission Regarding the Environmental Protection Agency's Consideration of Implementing the Clean Air Act's Section 110(a)(2)(D) Good Neighbor Provisions
- Separate handout

