



**OZONE  
TRANSPORT  
COMMISSION**

**MEMORANDUM OF UNDERSTANDING  
AMONG THE STATES OF THE OZONE TRANSPORT COMMISSION  
ON A REGIONAL STRATEGY CONCERNING THE INTEGRATED  
CONTROL OF OZONE PRECURSORS FROM  
VARIOUS SOURCES**

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Connecticut

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

Delaware

District of Columbia

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

Maine

Maryland

**WHEREAS**, the Clean Air Act recognizes 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 increased incidents of other respiratory illnesses, including pneumonia and bronchitis and premature death; and,

Massachusetts

New Hampshire

New Jersey

**WHEREAS**, recent health studies indicate increased mortality from ground-level ozone, and indicate the need for increasingly tighter standards in the future to be fully protective of public health; and

New York

Pennsylvania

**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<sub>x</sub>) and volatile organic compounds (VOCs) into as well as throughout the ozone transport region (OTR); and,

Rhode Island

Vermont

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

Virginia

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**WHEREAS**, in 1994, the States of the OTC successfully entered into a Memorandum of Understanding (MOU) for coordinated implementation of stationary source controls of nitrogen oxides, which reduced NOx emissions from EGU's and large Industrial boilers by approximately 70% between 1999 and 2003; and,

**WHEREAS**, the aforementioned OTC NOx Budget Program, along with the EPA's NOx SIP call, helped to reduce peak 1-hour ozone levels, and

**WHEREAS**, the 1-hour ozone NAAQS standard has been replaced by the more health protective 8-hour ozone NAAQS; and,

**WHEREAS**, EPA, state and regional modeling and other studies confirm that additional NOx and VOC emission reductions are needed to reduce ozone formation and to help reduce ozone transport for the protection of public health; and,

**WHEREAS**, the OTC member states have engaged in super-regional discussions with other states beyond the OTR to implement similar reductions to achieve broader control consistency; and,

**WHEREAS**, the undersigned States seek to develop cost-effective solutions to reduce NOx and VOC emissions, which are best implemented through a suite of measures (including state-specific measures, regional and super-regional measures and the Federal measures required under the Clean Air Act) to control ozone precursors; and,

**WHEREAS**, Section 110(a)(2)(D) of the Clean Air Act requires that each state air quality implementation plan must prohibit emissions within such state from contributing significantly to nonattainment in, or interfering with maintenance by, any other state; and,

**WHEREAS**, by June 15, 2007, the States must submit to EPA State Implementation Plans (SIPs) that demonstrate how the ozone 8-hour standard of 0.08 parts per million will be attained by 2010; and

**WHEREAS**, the above measures, taken together, should enable EPA to approve SIPs that are adequately protective of the public health; and,

**WHEREAS**, approved SIP revisions would avoid EPA-imposed sanctions that could otherwise adversely affect economic growth throughout the OTR;

**THEREFORE**, the undersigned member States commit to continue to work with interested stakeholders and and pursue state-specific rulemakings as needed and appropriate regarding the following sectors to assist in reducing emissions of precursors to ground-level ozone:

- CONSUMER PRODUCTS
- PORTABLE FUEL CONTAINERS
- ADHESIVES AND SEALANTS
- DIESEL ENGINE CHIP REFLASH

**FURTHERMORE**, that the undersigned states will pursue any such rulemaking deemed needed in a manner consistent with the respective model rules developed by OTC for such purposes, and to have these rules become effective as soon as practicable, with a target date for compliance of January 1, 2009; and,

**FURTHERMORE**, that with respect to diesel engine chip reflash, and as a parallel activity to the development of a mandatory program, the OTC directs the staff of the OTC in cooperation with associated partner organizations to encourage state-engine manufacturer partnerships to implement voluntary programs to accelerate and ultimately complete low-NOx software replacement on all heavy-duty trucks covered by the Federal consent decree dated 11/3/98 in advance of the effective dates of the rules.

**FURTHERMORE**, with respect to diesel engine chip reflash, that the OTC States support the use of the model regulation developed by the Northeast States for Coordinated Air Use Management (NESCAUM), dated February 20, 2006, as an appropriate model for a mandatory chip reflash program; and

**FURTHERMORE**, that the OTC member States, recognizing that these programs are best implemented at a national level, urge EPA to pursue federal programs consistent with the standards expressed in these model rules; and

**FURTHERMORE**, that the OTC member States will continue to engage other states and seek to gain support from other states for a broader, inter-regional implementation strategy for control of ozone precursors from these and other appropriate sources; and,

**FURTHERMORE**, that the OTC member States recognize that additional measures may be required to demonstrate attainment, and to attain and maintain the ozone levels required to satisfy the NAAQS.

Executed by the undersigned States this 7<sup>th</sup> day of June, 2006:

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<u>11511</u> District of Columbia	<u>James P. Brooks</u> Maine
<u>11511</u> Maryland	<u>[Signature]</u> Massachusetts
<u>[Signature]</u> New Hampshire	<u>[Signature]</u> New Jersey
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