



August 20, 2018

Andrew Wheeler, Acting Administrator
United States Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue N.W. Washington, D.C. 20460

Dear Acting Administrator Wheeler:

The Ozone Transport Commission (OTC) is seeking strong federal leadership from the Environmental Protection Agency (EPA) to work together with states to solve regional ozone transport issues. The OTC appreciates the EPA's initiative to reenergize the process of cooperative federalism. From our perspective, cooperative federalism requires federal leadership working with state environmental leadership to strengthen environmental and public health protections, while ensuring a strong economy.

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OTC is a multi-state organization in the Northeast and Mid-Atlantic, including thirteen states and jurisdictions from northern Virginia to Maine. Established under the Clean Air Act, the OTC is responsible for developing and implementing initiatives to reduce nitrogen oxides and volatile organic compounds (VOCs), the pollutants that form ground-level ozone (smog). The OTC also provides technical support and analyses and a forum for member states to collaborate and synchronize their pollution reduction strategies. In addition, the OTC advises the EPA on transport issues. The OTC has demonstrated considerable policy and technical experience and 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.

In late 2017, we forwarded to EPA the OTC's commitment to work with EPA under a framework of Cooperative Federalism (OTC Resolution Concerning Cooperative Federalism and Collaboration; November 15, 2017). In that correspondence, the OTC states requested that EPA collaborate with OTC leadership and technical staff on all current and future major ozone policy initiatives. We also urged that this collaboration should be initiated as early as possible, well in advance of finalizing any new or modified EPA policies and key ozone policy initiatives, including but not limited to: 1) ozone designation and classification policy; 2) policies related to Good Neighbor State Implementation Plans (SIPs), including actions to achieve a full remedy; 3) timely implementation guidance and modeling; and 4) strengthening the economy through regulatory streamlining.

The OTC States committed through that correspondence, to work in partnership with EPA, as expeditiously as possible, to meet the policy deadlines associated with implementation of ozone standards.

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Executive Director

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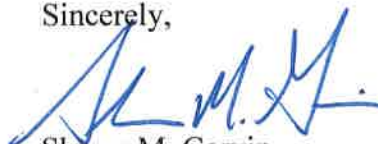
Since that time, OTC leadership has been successfully engaged in working directly with several EPA Regional Administrators for our region to build on OTC's commitment to protect the public by calling on EPA to update the Aftermarket Catalytic Converter (AMCC) Policy published on August 5, 1986. As we move forward, the policy should be consistent with the requirements of a program developed by the OTC states working in cooperation with other states and representatives from the U.S. catalyst manufacturing industry. If successful, updating EPA's AMCC policy would help the OTC states directly and better protect the health of millions of residents in our states by ensuring automobiles are not emitting excess pollution from uncertified and high emitting catalysts often imported from outside of the US. The program would provide upwind states with additional reductions in downwind contributions that will need to be addressed in Good Neighbor SIPs due in 2018. This is an EPA action that the American industry wants and needs. We look forward to expanding this dialogue soon.

OTC also commends the EPA on its efforts to reduce tampering of diesel vehicle emission control devices through a collaborative effort with the New Jersey Department of Environmental Protection (NJDEP). Tampered vehicles emit Oxides of Nitrogen (NOx) and Particulate Matter (PM) at levels that are orders of magnitude above Original Equipment Manufacturers certified levels that pose a serious air quality issue and a challenge to ozone attainment. NJDEP and other states in the Ozone Transport Region have a robust diesel and gasoline vehicle inspection program but tampering often goes undetected in traditional emissions testing. Therefore, in response to an increasing number of diesel vehicle tampering complaints, NJDEP began an effort to understand the issue, investigate the complaints, and collaborate with EPA. A "tampering summit" was convened in December 2017 and was followed by a technical training in March 2018, conducted by EPA's contractor. These meetings resulted in a work plan that identifies roles and responsibilities as EPA and NJDEP work together to share information and respond to tampering issues. This important effort is just one example of the many ways in which collaboration will enable us to achieve our mutual goal of cleaner air.

Despite some success at collaboration, OTC is concerned EPA policy and actions are limited to enforcing existing policies and rules rather than collaboratively developing new rules and policy that will advance our mutual goal of clean air. Ozone transport is one area where EPA continues to create and modify policies and programs that have a sweeping and often negative impact on OTC states' ability to plan for and affect clean air. As we look to collaboration according to principles of cooperative federalism, OTC calls on EPA to engage all states early to provide input into policies as they are contemplated by EPA. EPA should also maintain oversight and enforcement of Good Neighbor SIPs to ensure upwind contributions are addressed.

We are therefore eager to push these efforts to fruition as well as engage in new EPA policies and changes in existing EPA policies that can have a significant impact on the health of our state citizens and impact our state efforts to strengthen our economies and create jobs.

Sincerely,



Shawn M. Garvin
Secretary, Delaware Department of Natural Resources
& Environmental Control
OTC Chair