

PETITION  
TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE  
ADDITION OF  
ILLINOIS, INDIANA, KENTUCKY, MICHIGAN, NORTH CAROLINA, OHIO,  
TENNESSEE, VIRGINIA, AND WEST VIRGINIA  
TO THE OZONE TRANSPORT REGION  
ESTABLISHED PURSUANT TO SECTION 184 OF THE FEDERAL CLEAN AIR ACT  
AS PERMITTED BY SECTION 176A OF THE FEDERAL CLEAN AIR ACT

WHEREAS, States in the Northeastern United States, including many of the undersigned petitioning States, face pervasive ozone nonattainment problems; and

WHEREAS, the Congress of the United States created an Ozone Transport Region (“OTR”)<sup>1</sup> pursuant to section 184 of the federal Clean Air Act (“Act”) to help states address the pervasive ozone nonattainment problems in the Northeastern United States; and

WHEREAS, the undersigned petitioning States are states within the OTR as currently constituted; and

WHEREAS, Congress promulgated section 176A of the Act to be read in conjunction and in harmony with section 184 of the Act, to permit a Governor of a State, including those States within the OTR, to petition the Administrator of the United States Environmental Protection Agency (“EPA”) (“Administrator”), inter alia, to add any State or portion of a State to any region established pursuant to section 176A and 184 of the Act whenever the Administrator has reason to believe that the interstate transport of air pollution from such State significantly contributes to a violation of a national ambient air quality standard (“NAAQS”) for ozone in the transport region; and

WHEREAS, EPA modeling shows that interstate transport of air pollution from IL, IN, KY, MI, NC, OH, TN, VA, and WV contributes significantly to violations of the 2008 ozone NAAQS within the OTR, including within the undersigned petitioning States; and

WHEREAS, analysis performed by the undersigned petitioning States (attached as Technical Support Document and incorporated herein) shows that interstate transport of air pollution from IL, IN, KY, MI, NC, OH, TN, VA, and WV contributes significantly to violations of the 2008 ozone NAAQS in the OTR, including within the undersigned petitioning States; and

WHEREAS, the undersigned petitioning States continue to struggle to meet and/or stay in attainment with the 2008 ozone NAAQS (and in several OTC States, the 1997 NAAQS); and

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<sup>1</sup> The OTR consists of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the Consolidated Metropolitan Statistical Area that includes the District of Columbia and northern Virginia. With respect to Virginia, only the Counties of Arlington, Fairfax, Loudoun, Prince William and Stafford and the Cities of Fairfax, Falls Church, Manassas, Manassas Park, and Alexandria are in the OTR.

WHEREAS, EPA has recognized that, despite enacting stringent controls, many of the States within the OTR, including the undersigned petitioning States, are significantly impacted by long range transport of ozone and ozone precursor pollutants from States outside the OTR; and

WHEREAS, States outside and upwind of the OTR which contribute significantly to nonattainment areas within the OTR are not required to install and generally do not impose controls as stringent as those required of OTR-state sources by section 184 of the Act; and

WHEREAS, based upon EPA's own modeling, referenced above, and the additional technical analysis submitted, the Administrator has reason to find that the interstate transport of air pollution from IL, IN, KY, MI, NC, OH, TN, VA, and WV significantly contributes to violations of the 2008 ozone NAAQS in the OTR within the undersigned petitioning States; and

WHEREAS, section 176A of the Act requires the Administrator to approve or disapprove a petition for the addition of a State or States to the OTR within 18 months of receipt; and

WHEREAS, section 176A of the Act requires the Administrator to establish appropriate proceedings for public participation regarding such petitions, during those 18 months, including notice and comment; and

WHEREAS, section 184 of the Act requires any state newly added to the OTR to submit within 9 months a State Implementation Plan ("SIP") which contains the minimum volatile organic compound (VOC) and nitrogen oxide (NOx) emission control requirements applicable to OTR states (including but not limited to requirements for Inspection and Maintenance, New Source Review, and Reasonably Available Control Technology) as established by the Act, in its entirety; and

WHEREAS, the Administrator should approve this Petition such that marginal nonattainment areas within the OTR, which have a 2015 attainment date, and moderate nonattainment areas within the OTR, which must begin monitoring attainment by the 2016 ozone season, will begin experiencing transport reductions pursuant to this Petition as necessary to demonstrate compliance within the Act's deadlines; and

THEREFORE, the undersigned States hereby petition the Administrator, pursuant to section 176A(a) of the Act, to add IL, IN, KY, MI, NC, OH, TN, VA, and WV to the OTR established pursuant to section 184 of the Act; and

THEREFORE, the undersigned States request that the Administrator provide an opportunity for public participation, including public notice and comment, with regard to this Petition.

This Petition to the United States Environmental Protection Agency for the addition of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia to the Ozone Transport Region established pursuant to Section 184 of the Federal Clean Air Act as permitted by Section 176A of the Federal Clean Air Act signed as of the \_\_\_\_ day of August, 2013.

STATE OF CONNECTICUT

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Dannel P. Malloy  
Governor

This Petition to the United States Environmental Protection Agency for the addition of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia to the Ozone Transport Region established pursuant to Section 184 of the Federal Clean Air Act as permitted by Section 176A of the Federal Clean Air Act signed as of the \_\_\_\_\_ day of August, 2013.

DISTRICT OF COLUMBIA

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Vincent C. Gray  
Mayor

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STATE OF DELAWARE

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Jack A. Markell  
Governor

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STATE OF MARYLAND

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Martin J. O'Malley  
Governor

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STATE OF MASSACHUSETTS

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Deval L. Patrick  
Governor

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STATE OF NEW YORK

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Andrew M. Cuomo  
Governor



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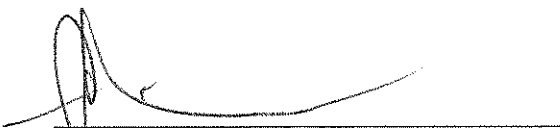
STATE OF RHODE ISLAND

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Lincoln D. Chafee  
Governor

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STATE OF VERMONT

A handwritten signature in black ink, appearing to read 'Peter E. Shumlin', is written over a horizontal line.

Peter E. Shumlin  
Governor