

Action Items

Letter to EPA on Small Engines

The Commission authorizes the Chairman to send a letter on its behalf urging EPA to issue and adopt rulemaking to require small engine manufacturers to meet the most stringent technically and economically feasible emission reduction control measures, as an important part of OTC's overall attainment strategy. Congress directed these rules be proposed by December 31, 2004, and we urge them to be promulgated immediately.

Consumer Products:

The Commission directs the OTC executive staff to work with staff from the OTC member states to develop a model rule consistent with the July 20, 2005 California Air Resources Board Rule (CARB) regulations regarding consumer products, and that such model rule be presented to the Commission for final review no later than June 6-7, 2006. To the extent it is appropriate, the staff should recommend any additional changes to this model rule based on any changes under consideration by CARB during this model rule development process. Further, OTC staff should continue to participate in and evaluate CARB rule development (currently expected by December 31, 2006) for additional changes that may be warranted to the model rule, and modify said model rule as needed to incorporate such changes in time for action by the Commission at its June, 2007 meeting. The purpose of this model rule and any modifications thereto is for the OTC states, working in collaboration with other states beyond the OTR, to make all appropriate changes to its consumer product rule for implementation no later than January 1, 2009, with the overall goal of achieving consistent, environmentally protective rules over a "super-region" of states.

Architectural, Industrial Maintenance Coatings (AIM)

The Commission acknowledges and appreciates the leadership role of the California Air Resources Board (CARB) in this area and the invitation by its staff to work cooperatively with them in this matter. The Commission directs the OTC executive staff to work with the staff of the OTC member states and the California Air Resources Board (CARB) staff to develop a new phase of model rules that represents an aggressive and achievable reduction in emissions from this sector for review by member states. The Commission also directs that the OTC executive staff work with the staff of the OTC member states to incorporate into the model rules as appropriate any changes suggested by a CARB SCM, and that to the extent appropriate for our region, that the development of the model rules take into consideration the South Coast Air Quality Management District rules.

The OTC hereby directs the OTC executive staff to work with the staff of the OTC member states to facilitate a region-wide survey for the purposes of establishing a current

baseline of AIM coatings being distributed in the region as of 2005, and that the OTC executive staff work with the staff of the OTC member states to facilitate an integrated, consistent survey method in the upcoming months. The OTC executive staff and the staff of the OTC member states may continue to work with NPCA to facilitate survey development and completion, and to achieve early implementation of reductions wherever feasible in advance of the 2009 ozone season.

Chip Reflash

The OTC directs the OTC executive staff to work with the staff of the OTC member states to present a model rule for final review by the Commission at its June 6-7 2006 meeting which mandates the installation and maintenance of software to correct the defeat device option that has been installed by truck manufacturers and operators since EPA's consent decree of 1999, generally known as "chip reflashing" and that this be accomplished in a manner that ensures substantial compliance by May 1, 2009.

Diesel Emissions Reductions

Additionally, working through the Northeast and Mid-Atlantic Diesel collaboratives, the OTC supports diesel emission reduction efforts (mandatory and voluntary as appropriate), given their potential multi-pollutant impacts.

Modeling Efforts:

In addition the OTC directs the executive staff of the OTC to work with the staff of the OTC member states to advance air quality modeling efforts to ensure the control strategy modeling for 2009 reflects the appropriate level of reductions from the following measures:

- Architectural, Industrial Maintenance (AIM) coatings
- Asphalt Paving
- Asphalt Production Plants
- Auto Refinish Coatings
- Consumer Products, including Portable Fuel Containers (PFCs)
- Diesel Truck Chip Reflash
- Electrical Generating Units (EGUs)
- EGU Peaking Units
- Glass Furnaces
- Lime Kilns
- Cement Plants
- ICI Boilers
- Municipal Waste Combustors
- Refineries
- A Regional Fuel based on reformulated gasoline options.

Additionally, the OTC executive staff and the staff of the OTC member states are to continue to evaluate the following sectors for potential control and reduction strategies, and to report on these at the June 6-7, 2006 Commission meeting:

Metal Production
Industrial Adhesives
Industrial Surface Coatings
Printing and Graphic Arts
Stage I Gas Distribution
Other Mobile Measures including
 i) Anti-idling
 ii) Differential Tolls
 iii) Executive Orders on Diesel retrofits
POTWs
Wood Combustion
Other source categories as may be appropriate

- Approved by the Commission on February 23, 2006