

Lake Michigan Air Directors Consortium

MEMORANDUM OF AGREEMENT FOR INTERSTATE AIR POLLUTION STUDY AND CONTROL

Introduction

The States in the Upper Midwest have agreed to work together cooperatively through the Lake Michigan Air Directors Consortium (LADCO) to understand and deal with regional air pollution issues. Pursuant to a series of Memorandums of Agreement (MOAs), the organization's roles and responsibilities took shape:

1989 MOA: Established a cooperative interstate and federal effort for the purpose of conducting an air quality study to address ozone formation in the Lake Michigan area.

1991 MOA: Continued the cooperative interstate and federal effort to include identifying and evaluating various control strategies, and demonstrating attainment and maintenance of the ozone standard in the Lake Michigan area.

2000 MOA (LADCO): Reaffirmed the States' intent to reach consensus agreement on a regional control strategy to attain the 1-hour ozone standard in the Lake Michigan area. In addition, it called for the States to begin to evaluate the impact of other air quality regulations in their state, including regulations for 8-hour ozone, fine particles, air toxics, and regional haze.

2000 MOA (MRPO): This document (between the four LADCO States and the State of Ohio) established the Midwest Regional Planning Organization (MRPO) to address the issues related to the federal regional haze program, and pollutants such as fine particles that contribute to regional haze.¹

2004 MOA: Reaffirmed cooperative effort by the States (including Ohio) and the U.S. Environmental Protection Agency (USEPA) to: (1) achieve sufficient emission reductions to provide for attainment of the 1-hour ozone standard in the Lake Michigan area, (2) identify, evaluate, and implement sufficient emission reductions to provide for attainment of the standards for 8-hour ozone and PM_{2.5} and achieve the reasonable progress goals for regional haze throughout the five-state region; and (3) address other regional air pollution issues, including air toxics.

Looking ahead over the next several years, the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin (the States) believe that multi-state, multi-pollutant planning is necessary to support the development of effective control plans to address regional pollution problems, such as ozone, fine particles, regional haze, and air toxics. To this end, the States commit to a continued partnership to ensure expeditious compliance with federal public health and welfare air quality standards.

¹ USEPA funded operation of five RPOs around the country from 2000-2009. When funding ended in 2009, the MRPO was discontinued as a separate entity.

Intent

This Memorandum of Agreement (2012 MOA) rescinds and replaces the 2004 MOA and reaffirms the cooperative effort by the States and the USEPA to:

- (1) identify, evaluate, and implement sufficient emission reductions to provide for attainment of the NAAQS for 8-hour ozone and PM_{2.5} and achieve the reasonable progress goals for regional haze throughout the six-state region; and
- (2) address other regional air pollution issues, including air toxics.

Guiding Principles

The States have adopted the following principles with respect to the scope and nature of the activities to be undertaken by LADCO:

- (1) The main purpose of LADCO is to provide technical assessments for and assistance to its member States on air quality issues and to provide a forum for its member States to discuss air quality issues.
- (2) LADCO's major pollutants of concern are ozone, fine particles, and regional haze and their precursors; however, issues related to other pollutants (such as air toxics) may be assessed at the direction of the member States.
- (3) LADCO's primary geographic focus is the area encompassed by its member states and any areas which may affect air quality in its member States. LADCO may also focus on areas in other states that may be affected by air pollutants from our States or that may affect the member States. Furthermore, at the direction of the member States, LADCO may conduct activities that are national in scope.
- (4) LADCO shall take action at the agreement and direction of all of its member states and shall strive for consensus in its deliberations. When appropriate and when all agree, LADCO shall take positions on behalf of its member States. LADCO shall take no independent positions. LADCO member States may represent LADCO's consensus positions.
- (5) LADCO staff shall prepare technical assessments as agreed and directed by the member States and shall participate in discussions to interpret the results. LADCO staff shall assist in briefings and in framing issues at the direction of the member States. When appropriate, LADCO may conduct assessments for individual member States.
- (6) When appropriate and when all agree, LADCO may from time to time seek input from or collaborate with other states on common air quality issues.
- (7) LADCO may seek the advice of non-Members, including other governmental entities, regulated industries, local air agencies, public interest groups, or others on matters related to air quality issues. LADCO maintains and reserves the right to limit the scope of any such discussions or participation.
- (8) LADCO member States shall share in the cost of operations and activities. Budgets shall be submitted and approved annually. When appropriate, member states may make "in-kind" contributions in lieu of funds, provided that such action shall not increase the

amount of funds required from any other state. In setting the annual budget, the member States may consider what activities constitute in-kind contributions and what value to be assigned to these activities.

- (9) Upon agreement of all members, other jurisdictions may be invited to join LADCO, provided that any jurisdiction seeking to do so agrees to assume the responsibilities of membership and to share in the cost of operations. The LADCO States may establish different levels or categories of membership for new members. In the alternative, LADCO may enter into a memorandum of agreement with other jurisdictions as appropriate.
- (10) These principles may be augmented by more specific directions, provided that all members agree.

Organization

The States have determined that the existing committee structure will be used to manage the development and evaluation of control strategies, research, modeling, and other activities, to wit:

The Policy Steering Committee shall consist of the Governor or the Environmental Director of each member State and the Regional Administrator of USEPA, Region 5, or his designee (as a non-voting member). The State Committee members shall provide overall policy direction to the Consortium and shall serve as the forum for the resolution of disputes. By agreement of the States, every effort will be made to reach consensus on all major issues. The Policy Steering Committee shall meet as appropriate to oversee the progress of the efforts.

The Technical Steering Committee shall consist of the Directors of the Air Quality offices of each member State and the Director of the Air and Radiation Division of USEPA, Region 5. The State Committee members shall be responsible for the day-to-day management of the development and evaluation of control strategies, research, modeling, and other activities. The Technical Steering Committee shall meet as necessary to carry out these duties.

The Strategy Project Team shall consist of two representatives from each member State and two members from USEPA. The State Team members shall carry out the directions of the Technical Steering Committee and guide the technical aspects of the Consortium's work and activities. The States recognize the operations of the Strategy Project Team as a high priority and agree to make every reasonable effort to ensure that the designated representatives receive support for their full participation in the effort. The Strategy Project Team shall meet on a regular basis and will form subcommittees as appropriate to address specific concerns.

Contractual Arrangements and Professional Staff

The States recognize that Consortium staff possess significant experience and expertise in the field of air pollution modeling and related activities and may direct the staff to assist in the program of work and activities outlined by the Technical Steering Committee. In addition, with the approval of the Technical Steering Committee and provided that funds are available, the Consortium may retain outside contractors to provide specific services to support its work and activities.

For the State of Ohio:

Title:	Secretary, Ohio Environmental Protection Agency Scott J. Nally	Date
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For the State of Wisconsin:

Title:	Secretary, Wisconsin Department of Natural Resources Cathy Stepp	Date
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