

**December 19, 2000**

**Final Rule Making Findings of Failure to Submit Required  
State Implementation Plans for the NOx SIP Call**

**FACT SHEET**

**TODAY'S ACTION**

- The Environmental Protection Agency (EPA) finds that 11 states and the District of Columbia have not submitted complete plans required by the Agency's rule to reduce the regional transport of ground-level ozone (smog), also known as the NOx SIP Call.
- The 11 states and D.C. were required to submit state implementation plans (SIPs) by Oct. 30, 2000 showing how they will meet nitrogen oxide reductions required under the rule. Nitrogen oxides, or NOx, are a primary component of ground-level ozone.
- The states subject to today's findings are: Alabama; Illinois; Indiana; Kentucky; Michigan; North Carolina; Ohio; South Carolina; Tennessee; Virginia; and West Virginia. The findings also apply to the District of Columbia.
- Kentucky, Michigan and the District of Columbia did not submit plans as required by the SIP Call rule. The remainder of the states subject to today's findings submitted plans containing draft or temporary state rules for ensuring NOx reductions.
- The NOx reductions required by the SIP Call will improve air quality for more than 100 million Americans in the eastern United States. Today's findings will help continue the progress toward achieving those reductions and will help ensure that all states subject to the NOx SIP Call do their part in reducing NOx emissions.
- If a state subject to today's findings fails to submit a complete state implementation plan within 18 months, EPA is required by law to impose sanctions. Sanctions include an "emissions offset" requirement that would apply to areas designated as nonattainment for the 1-hour ozone standard. When an emissions offset sanction is in place, a new or modified facility that wants to increase emissions must reduce twice that amount in emissions from other sources.
- In addition, if the affected state still has not completed its SIP and received EPA approval within six months after the offset sanction is imposed, the nonattainment areas become subject to restrictions on federal money for new highway projects.

- Today's action also triggers a Clean Air Act requirement that EPA issue a federal implementation plan within two years of making such a finding (unless the affected state has submitted a complete plan by that time). In a federal plan, EPA, rather than the states, determines the specific sources of pollution that must reduce NOx emissions.
- EPA will continue to work with the affected states to ensure that they submit adequate plans (with adopted state rules) as soon as possible, in an effort to help those states avoid sanctions and/or a federal implementation plan.

## **BACKGROUND**

- Nitrogen oxides are a primary component of ground-level ozone (smog). Ozone aggravates asthma, reduces lung function, and adversely sensitizes the lungs to other irritants. Both NOx and ozone are carried on the wind and can threaten health in areas hundreds of miles away from the pollution source. NOx also contributes to airborne particulate matter, regional haze (visibility) problems and global warming. To learn more about why it is important to reduce NOx emissions, go to this address: [www.epa.gov/airlinks/airlinks2.html](http://www.epa.gov/airlinks/airlinks2.html) .
- In September 1998, EPA issued the NOx SIP Call rule to reduce ground-level ozone across the eastern U.S. Ground-level ozone forms when NOx and volatile organic compounds cook in the hot summer sun. Both NOx and ozone are carried on the wind and can threaten health in areas hundreds of miles away from the pollution source.
- EPA was challenged in court on the SIP Call. On March 3, 2000, the U.S. District Court of Appeals for the District of Columbia Circuit issued a decision largely upholding the NOx SIP Call. As a result, 19 states and the District of Columbia remain subject to the SIP Call, and were required to submit plans outlining the measures they will take to reduce NOx emissions. The required reductions vary by state. Emissions must be reduced by May 31, 2004.
- The states subject to the SIP Call are: Alabama; Connecticut; District of Columbia; Delaware; Illinois; Indiana; Kentucky; Massachusetts; Maryland; Michigan; North Carolina; New Jersey; New York; Ohio; Pennsylvania; Rhode Island; South Carolina; Tennessee; Virginia; and West Virginia.
- EPA will issue a separate rule to address the required emission reductions in Georgia and Missouri, and to address other issues remanded by the Court.

## **FOR MORE INFORMATION**

- To download a copy of the this rule, go to <http://www.epa.gov/ttn/oarpg> .
- To download a copy of the original NOx SIP Call rule, go to [http://www.epa.gov/ttn/oarpg/t1/fr\\_notices/nxsip.pdf](http://www.epa.gov/ttn/oarpg/t1/fr_notices/nxsip.pdf) .

- To download a copy of the Court's rulings related to the SIP Call, go to the March 2000 and June 2000 sections on <http://pacer.cadc.uscourts.gov/common/opinions/>.
- For additional information, call Jan King of EPA's Office of Air Quality Planning & Standards at 919-541-5665.