

Final Notice: Findings of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2008 National Ambient Air Quality Standards for Ozone

FACT SHEET

ACTION

- On June 30, 2015, the U.S. Environmental Protection Agency is finding that 24 states have failed to submit complete “good neighbor” State Implementation Plans (SIPs). These plans must demonstrate how the state will address air pollution that crosses its border and impacts other states’ ability to attain and maintain the national ambient air quality standard (NAAQS) for ozone established in 2008.
- The Clean Air Act requires states to submit good neighbor SIPs within 3 years of the EPA issuing a new or revised air quality standard. The deadline for submission of these SIPs was March 2011. These findings establish a 2-year deadline for the EPA to either approve a SIP or finalize a Federal Implementation Plan (FIP) that addresses the good neighbor requirement.
- The EPA is committed to working with these states to expedite the development and submission of their good neighbor SIPs in accordance with the requirements of the Clean Air Act.
- The list below shows the 24 states that failed to submit a complete good neighbor SIP for the 2008 ozone standards.

Alabama	Maine	North Carolina
Arkansas	Massachusetts	Oklahoma
California	Michigan	Pennsylvania
Florida	Minnesota	South Carolina
Georgia	Mississippi	Tennessee
Illinois	Missouri	Vermont
Iowa	New Hampshire	Virginia
Kansas	New Mexico	West Virginia

BACKGROUND

- In March 2008, the EPA revised the primary and secondary ozone standards from a level of 0.08 parts per million (ppm) to 0.075 ppm. Section 110(a) of the Clean Air Act directs each state to submit a plan known as an infrastructure SIP, that provides for the implementation, maintenance, and enforcement of revised standards, including good neighbor SIP provisions, within three years – in this case by March 12, 2011.
- The EPA acknowledges that many states may have submitted good neighbor SIPs for the 2008 ozone standards were it not for the uncertainty surrounding the Agency’s reconsideration process for the 2008 ozone standards, the EPA’s associated interim advice to states regarding implementation of those standards, and uncertainty on the statutory interpretation on the good neighbor provision because of litigation on the Cross-State Air Pollution Rule.

- In 2014, Sierra Club and WildEarth Guardians sued the EPA for failing to perform certain mandatory duties under the Clean Air Act, including a failure to find that a number of states had failed to submit good neighbor SIPs for the 2008 ozone standards.
- In a judgment entered on May 15, 2015, the U.S. District Court for the Northern District of California directed the EPA to, by June 30, 2015, make findings of failure to submit for 26 states.
- In response to the court's order, the EPA is taking this action for specified states that have failed to submit infrastructure SIPs addressing the good neighbor requirement as to the 2008 ozone NAAQS.

FOR MORE INFORMATION

- To download this action from the EPA's website, go to Ozone Regulatory Actions at <http://www.epa.gov/airquality/ozonepollution/actions.html#impl>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located at the EPA Headquarters, room number 3334 in the EPA William Jefferson Clinton West Building, 1301 Constitution Avenue, NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for this final action can be accessed using Docket ID No. EPA-HQ-OAR-2012-0943.
- For further information about this action, contact Ms. Gobeail McKinley of the EPA's Office of Air Quality Planning and Standards, at (919) 541-5246 or by email at mckinley.gobeail@epa.gov.