

**Final Notice: Findings of Failure to Submit a Complete State Implementation Plan for  
Section 110(a) Pertaining to the 2010 Nitrogen Dioxide (NO<sub>2</sub>) NAAQS**

**FACT SHEET**

**ACTION**

- On November 14, 2014, the U.S. Environmental Protection Agency is finding that seven states, (Alaska, Arkansas, Hawaii, Minnesota, New Jersey, Vermont and Washington) and the District of Columbia have not submitted complete State Implementation Plans (SIPs) that include the infrastructure elements necessary to ensure implementation of the 2010 Nitrogen Dioxide (NO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS).
- The Clean Air Act requires states to submit infrastructure SIPs within 3 years of EPA issuing a new or revised air quality standard. The deadline for these SIPs was January 2013. These findings establish a 24-month deadline for the EPA to either approve a SIP or finalize a Federal Implementation Plan (FIP) that addresses the outstanding SIP elements for each of these areas.
- Of the seven states; Hawaii, New Jersey, Minnesota, and Washington, and the District of Columbia, submitted SIPs that are incomplete only because they lack Clean Air Act permitting prevention of significant deterioration-related elements. A federal plan is already in place to implement that program. Therefore, this action will not trigger any additional FIP obligations with respect to these areas.
- Three states, Alaska, Arkansas and Vermont, did not submit any infrastructure SIPs.
- The remaining forty-three states submitted complete infrastructure SIPs prior to this action.
- The EPA is committed to working with these states and area to expedite the development and submission of their infrastructure SIPs and to review and act on their submissions in accordance with the requirements of the CAA.

**BACKGROUND**

- On January 22, 2010, the EPA strengthened the health-based national air quality standard for NO<sub>2</sub>. The EPA set a new 1-hour NO<sub>2</sub> standard at the level of 100 parts per billion (ppb).
- The Clean Air Act required each state to submit by January 2013 an infrastructure SIP that provides for the implementation, maintenance and enforcement of the revised NO<sub>2</sub> NAAQS. States are required to develop and maintain an air quality management program that meets various basic structural requirements, including, but not limited to: enforceable emission limitations; an ambient monitoring program; an enforcement program; air quality modeling capabilities; and adequate personnel, resources, and legal authority. Infrastructure SIPs help to ensure that states meet these requirements.

- On October 10, 2013, WildEarth Guardians sued the EPA for failing to perform certain mandatory duties under the Clean Air Act, including a failure to find that nine western states had failed to submit infrastructure SIPs for the 2010 NO<sub>2</sub> NAAQS.
- In response to the lawsuit and in the interest of even treatment of all states, the EPA is taking this action for all states that have failed to submit a complete infrastructure SIP for the 2010 NO<sub>2</sub> NAAQS.
- These findings do not cover state planning requirements for interstate transport of NO<sub>2</sub>.

### **FOR MORE INFORMATION**

- To download this action from the EPA's website, go to NO<sub>2</sub> Regulatory Actions at <http://www.epa.gov/airquality/nitrogenoxides/actions.html>
- 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-2014-0337.
- For further information about this action, contact Ms. Mia South of EPA's Office of Air Quality Planning and Standards, at (919) 541-5550 or by email at [south.mia@epa.gov](mailto:south.mia@epa.gov).