

Proposed Action on Clean Air Act Section 126 Petitions from Delaware and Maryland

Fact Sheet

Action:

- On May 31, 2018, the Environmental Protection Agency (EPA) proposed to deny five petitions under section 126 of the Clean Air Act. The state of Delaware submitted four of these petitions. Maryland submitted one.
- Each of Delaware's four petitions submitted between July and November 2016 requested that EPA find emissions from individual sources in Pennsylvania or West Virginia are significantly contributing to Delaware's nonattainment of the 2008 and 2015 8-hour ozone national ambient air quality standards (NAAQS).
- Maryland's November 2016 petition requested that EPA find emissions from 36 electric generating units in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are significantly contributing to ozone levels that exceed the 2008 8-hour ozone NAAQS in Maryland, and are interfering with nonattainment and maintenance of the NAAQS.
- EPA is proposing to deny the petitions. The Agency has concluded that neither Delaware nor Maryland has met their burden to demonstrate that the sources they named emit or would emit ozone forming pollutants at levels that violate the Clean Air Act's good neighbor provision for the 2008 and 2015 ozone standards. In addition, EPA's analysis, does not show a violation of the good neighbor provision.
- EPA will accept comment on this proposed action for 45 days after the proposal is published in the *Federal Register*. The Agency plans to hold a public hearing on this proposed rule at the at the EPA Headquarters offices, William Jefferson Clinton East Building, Room 1153, 1201 Constitution Avenue, NW, Washington, DC 20004. A future notice will provide details for the public hearing.

Background:

- The Clean Air Act allows any state or political subdivision to petition EPA to find that a major source or group of stationary sources emits or would emit any air pollutant at amounts that violate the good neighbor provisions of the Act.
- If the Administrator finds the source's emissions violate the good neighbor provisions of the Act, continued operation can be permitted only if the source complies with any emission limits and compliance schedules set by the Administrator to ensure compliance as soon as possible, but no later than three years from the date of the finding.

- The interstate transport provisions of the Clean Air Act require states to address their air emissions that significantly contribute to nonattainment and interfere with maintenance of the NAAQS in other states.
- In March 2008, EPA strengthened the NAAQS for ground level ozone setting it at 75 parts per billion (ppb). In October 2015, EPA further strengthened the ozone standards to 70 ppb. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems.
- The petitions submitted by the state of Delaware citing problems with attainment and maintenance of the 2008 and 2015 ozone standards are listed below:
 - July 7, 2016 – naming the Brunner Island Steam Electric Station in York County, PA
 - August 8, 2016 – naming the Harrison Power Station in Harrison County, WV
 - November 10, 2016 – naming the Homer City Power Station in Indiana County, PA
 - November 28, 2016 – naming the Conemaugh Generating Station in Indiana County, PA
- The November 16, 2016 petition from Maryland named 36 coal-fired power plants in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia as contributors to that state's ability to attain and maintain the 2008 ozone standards.
- To address the good neighbor provision for the 2008 ozone NAAQS, the EPA previously limited ozone season NOx emissions from Pennsylvania power plants through the CSAPR Update Rule, issued in October 2016. In that rule EPA assessed whether there are cost effective reductions that can be applied to these plants, and established corresponding emissions budgets.

How to Comment:

- Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2018-0295, by one of the following methods:
 - <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
 - E-mail: a-and-r-docket@epa.gov.
 - Fax: 202-566-9744.
 - Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket and Information Center, Mail Code: 6102T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460. Please include two copies.
 - Hand Delivery: U. S. Environmental Protection Agency, EPA West (Air Docket), 1301 Constitution Avenue, Northwest, Room 3334, Washington, DC. Such deliveries are

only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Additional Information:

- EPA has established a docket for this rulemaking under Docket ID number EPA–HQ–OAR–2018-0295.
- Interested parties can download the proposal from EPA's web site on the Internet under recent actions at the following address: <https://www.epa.gov/ozone-pollution/ozone-national-ambient-air-quality-standards-naaqs-section-126-petitions>
- Today's proposal and other background information are also available either electronically at <http://www.regulations.gov>, 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 in the EPA Headquarters, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. 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 action can be accessed using EPA–HQ–OAR–2018-0295.
- For additional information on this action, please contact Lev Gabrilovich at Gabrilovich.lev@epa.gov, or 919-541-1496.