

## **Final Action on Clean Air Act Section 126 Petitions from Delaware and Maryland**

### **Fact Sheet**

#### **Action:**

- On September 14, 2018, the Environmental Protection Agency (EPA) denied five petitions under section 126 of the Clean Air Act. The state of Delaware submitted four of these petitions. Maryland submitted one petition.
- The petitions request that EPA find that emissions from certain power plants are violating the good neighbor provision of the Clean Air Act –i.e., they allege that the power plants are contributing to nonattainment of or interfering with maintenance of National Ambient Air Quality Standards (NAAQS) for ozone in the petitioning states.
- Delaware’s four petitions, submitted between July and November 2016, address individual power plants in Pennsylvania or West Virginia, and pertain to the 2008 and 2015 ozone NAAQS.
- Maryland’s November 2016 petition addresses 36 powerplants in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia, and pertains to the 2008 ozone NAAQS.
- The agency has concluded that the sources identified in the five petitions are not emitting in violation of the good neighbor provision.
  - To reach this decision, EPA looked at whether there are current and future nonattainment or maintenance problems for the 2008 and/or 2015 ozone NAAQS in the petitioning states. EPA also looked at whether there were additional cost-effective emission control measures available for the named sources.
- EPA found that there are no additional cost-effective measures available at any of the sources. Existing programs that require cost effective emissions reductions from all of the named sources, such as the recent CSAPR Update Rule, are in place and will address the concerns of the petitioning states.

#### **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 3 years from the date of the finding.

- The good neighbor provision of the Clean Air Act requires 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 (and named powerplants) 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 interfering with 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.

**Additional Information:**

- EPA has established a docket for this rulemaking under Docket ID number EPA-HQ-OAR-2018-0295.
- Interested parties can download the rulemaking documents 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 final action 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](mailto:Gabrilovich.lev@epa.gov), or (919) 541-1496.