

Fact Sheet

Determination to Grant Clean Air Act Section 176A Petition from Maine

Action:

- On February 3, 2022, the US Environmental Protection Agency (EPA) granted a petition from the state of Maine requesting removal of a portion of the state from the Ozone Transport Region (OTR). The petition was submitted consistent with the requirements of section 176A(a) of the Clean Air Act (CAA).
- In its February 2020 petition, the state of Maine requested that EPA remove the state, except for 111 towns and cities comprising the Androscoggin Valley, Down East, and Metropolitan Portland Air Quality Control Regions, commonly referred to as the “Portland and Midcoast Ozone Areas,” from the OTR. Maine based its petition on the area’s continued attainment with ozone National Ambient Air Quality Standards (NAAQS) and technical analyses demonstrating that the control of emissions from the state do not significantly contribute to ozone attainment in any area in the OTR.
- EPA has determined that additional OTR controls under CAA section 184(b) for the portion of the state that Maine requested be removed from the OTR will not significantly contribute to attainment of any ozone NAAQS in any area of the current OTR. Additionally, the portion of the state being removed from the OTR does not contribute to a violation of any ozone standard in any area of the OTR.

Background:

- Section 176A(a) of the CAA provides the EPA Administrator with the authority to develop interstate transport regions for particular pollutants where the Administrator determines that interstate transport of air pollutants from one or more states contributes significantly to violations of air quality standards in other states.
- In the 1990 CAA Amendments, Congress created the OTR by statute under section 184(a) to address the interstate transport of ozone pollution in the Northeast and Mid-Atlantic regions of the United States. The OTR includes the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia, and portions of northern Virginia.
- The creation of an interstate transport region requires establishing a transport commission with representatives from each state who make recommendations to mitigate interstate pollution. Model rules and programs designed through the Ozone Transport Commission (OTC) may be adopted by the individual states through their own rulemaking processes. Under CAA section 184(c), the OTC may petition the EPA to approve additional control measures to be applied within all or part of the transport region.

- Section 176A(a)(2) of the CAA provides the Administrator with the authority to remove any state or portion of a state from a transport region whenever there is reason to believe that the control of emissions in that state or portion of the state will not significantly contribute to the attainment of the ozone standard in any area in the region.

For More Information:

- Interested parties can download a copy of the final rule from EPA's Web site at the following address: <https://www.epa.gov/ground-level-ozone-pollution/ozone-national-ambient-air-quality-standards-section-176-petitions>.
- This final action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system. It can be accessed using Docket ID No. EPA-HQ-OAR-2020-0310.
- For further technical information about the proposed rule, contact Holly DeJong, EPA's Office of Air Quality Planning and Standards, at dejong.holly@epa.gov.