

FACT SHEET

Extension of Deadline for Action on the August 2016 Section 126 Petition from Delaware

Action

- On September 19, 2016, the Environmental Protection Agency (EPA) extended by six months the deadline to respond to a petition submitted by the state of Delaware under section 126 of the Clean Air Act.
- The petition requests that EPA make a finding that the Harrison power station located near Haywood, Harrison County, West Virginia, is emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 ozone national ambient air quality standards (NAAQS) and the 2015 ozone NAAQS in Delaware.
- If EPA makes such a finding, the source must comply with any emission limits established by EPA.
- EPA has begun to review the petition and supporting technical information provided by Delaware but the Agency will need additional time to complete a more in-depth review, develop a proposed remedy if necessary, and provide adequate time for the public to comment prior to issuing the final rule.

Background

- Section 126 of the Clean Air Act gives a state the authority to ask EPA to set emissions limits for specific sources of air pollution in other states that significantly contribute to the petitioning state's air quality problems.
- The Clean Air Act requires the EPA to respond to these types of petitions within 60 days of receipt.
- The 60-day period will not allow EPA sufficient time to complete the necessary technical review, develop an adequate proposal, and allow time for notice and comment on whether the Harrison Power Station contributes significantly to nonattainment or maintenance problems in Delaware.
- The Clean Air Act allows EPA to take this procedural action if the Agency determines that the extension is necessary.

More Information

To read the final extension rule, visit <https://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-126-petitions>.