

FACT SHEET

Response to December 9, 2013, Clean Air Act Section 176A Petition from Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont

Action

- On January 11, 2017, 2016, the Environmental Protection Agency (EPA) proposed to deny a petition from Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont under section 176A(a) of the Clean Air Act (CAA).
- The petition asks the EPA to add Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, West Virginia and a portion of Virginia to the Ozone Transport Region (OTR), alleging that these states significantly contribute to violations of the 2008 ozone national ambient air quality standards (NAAQS) in the OTR.
- After carefully reviewing the petition, the EPA is proposing to deny the petition because the CAA provides other, more effective mechanisms to address the transport of ozone between states and the impact this pollution has on the states within the OTR with respect to the 2008 ozone NAAQS
- Specifically, the CAA provides other options, such as the “good neighbor” provisions, and Section 126, that have been applied effectively for addressing interstate pollution transport. These provisions give the states and EPA the flexibility to issue a targeted plan to address interstate transport of ozone that includes proven, efficient, and cost-effective ways to address downwind air quality concerns.
- The EPA’s September 2016 updated Cross-State Air Pollution Rule is a significant step to control states’ emission reduction obligations under the good neighbor provision for the 2008 ozone NAAQS. The EPA is continuing the work necessary, in conjunction with its state partners, to address the remaining good neighbor obligations.
- Existing state and federal rules will also continue to achieve significant reductions in emissions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) resulting in lower levels of transported ozone pollution that impacts downwind states.
- The EPA will accept comments on the proposal for 30 days following publication.

Background

- Section 176A of the Clean Air Act provides, in part, that the Governor of any state may petition EPA to determine that interstate transport of air pollutants from one or more states are significantly contributing to a violation of the NAAQS in other states. If EPA agrees, we may establish by rule a transport region for the pollutant that includes the states
- To date, EPA has not used section 176A to establish a transport region for any pollutant. The only existing transport region was established by the 1990 Clean Air Act Amendments under section 184 for ozone. It includes Northeastern and Mid-Atlantic states. For ozone, the Clean Air Act establishes for each transport region, a transport commission, comprised of the Governor (or designee) of each state in the transport region, as well as an air pollution control official for each state with the authority to recommend additional controls within the region. It also requires certain mandatory control measures.

How to Comment

- The EPA will accept comment on the proposal for 30 days after it is published in the *Federal Register*. Comments, identified by Docket ID Number EPA-HQ-OAR-2016-0596 may be submitted by one of the following methods:
 - o Go to www.regulations.gov and follow the on-line instructions for submitting comments.
 - o Send comments by email to a-and-r- Docket@epa.gov, Attention Docket ID No. EPA-HQ- OAR-20160596.
 - o Fax your comments to: 202-566-9744, Attention Docket ID. No. EPA-HQ-OAR-20160596.
 - o Mail your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, D.C., 20460, Attention Docket ID. No. EPA-HQ-OAR-2016-0596.
 - o Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, D.C. Note: In person deliveries (including courier deliveries) are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information.

More Information

- To read the proposal notice, visit <https://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-176A-petitions>.