

US EPA ARCHIVE DOCUMENT

Fact Sheet

Finding that States have Failed to Submit Plans to Address Interstate Transport of Pollutants that form Ozone and Particle Pollution

Today's Action

- On March 10, 2005 the Environmental Protection Agency (EPA) officially notified states that they have failed to submit plans, known as State Implementation Plans (SIPs), addressing the contribution to interstate transport of pollutants that form ozone and particle pollution in downwind states.
- The Clean Air Act, (sections 110(a)(1) and (2)), requires states to submit SIPs that implement, maintain, and enforce a new or revised national ambient air quality standard (NAAQS) within 3 years of promulgation of the standard. Among other things, these SIP revisions must address a state's significant contribution of pollution in other states.
- In July 1997, EPA issued the 8-hour ozone and PM2.5 national air quality standards. States were required to submit SIPs that satisfied certain initial Clean Air Act requirements for implementing these standards by July 2000. This submittal initiates requirements to address interstate transport of air pollutants under section 110(a)(2)(D).
- Section 110(a)(2)(D) of the Clean Air Act provides an important tool for addressing the problem of interstate transport of air pollutants. This provision applies to each pollutant covered by a NAAQS and to all areas of the country regardless of their attainment designation. This section of the Act specifically provides that a SIP must prohibit statewide air pollutant emissions that significantly contribute to a nonattainment or maintenance problem in another state.
- Today's finding of failure to submit action formally notifies states that they failed to make the required submission addressing interstate transport. The finding starts a 2 year clock for EPA to issue a final Federal Implementation Plan (FIP) that will address the requirements of section 110(a)(2)(D) if states fail to make the required submission.
- This action is also the first action required under a consent decree between EPA and Earth-Justice. In March 2004, Earth-Justice filed a notice of intent to sue EPA over EPA's failure to find that states had not submitted section 110(a)(1) SIPs for PM2.5 and ozone. Today's action satisfies EPA's obligation under the consent decree concerning the section 110(a)(2)(D) requirements related interstate transport.

Background

- On July 17, 1997, following a lengthy scientific review process, EPA revised the NAAQS for ground-level ozone and particle pollution or particulate matter.
- Specifically, EPA replaced the 1-hour ozone standard by promulgating a new 8-hour ozone standard to protect against longer exposure periods. EPA also promulgated new

particulate matter standards and established both an annual and a 24-hour standard for fine particles - those 2.5 micrometers in diameter or smaller. Fine particles are about 1/30th the diameter of a human hair.

- Ozone is rarely emitted directly into the air. Ozone is generally formed when oxides of nitrogen (NO_x) and volatile organic compounds (VOCs) react in the presence of intense sunlight. NO_x and VOCs are emitted by sources of combustion including motor vehicles, and industrial facilities, also, gasoline vapors, chemical solvents and natural sources.
- Fine particle pollution, or PM2.5, is a mixture of microscopic solids and liquid droplets suspended in the air. Fine particles may be emitted directly or formed when other air pollutants – including sulfur dioxide (SO₂) and NO_x emitted by cars, power plants and other industrial sources react in the atmosphere.
- In a separate, but related regulatory action, on March 10, 2005 EPA promulgated the Clean Air Interstate Rule (CAIR). Based on the Clean Air Act requirements for states to address the interstate transport of air pollutants, this rule finds that 28 states, including the District of Columbia, contribute significantly to nonattainment, or interfere with maintenance, of the NAAQS for 8-hour ozone and PM2.5 pollution in downwind states.
- The 28 states identified in the CAIR must submit SIPs that will achieve the emission reduction requirements in the CAIR within 18 months (September 2006). States that submit an approvable SIP to satisfy the requirements of the CAIR will satisfy the requirements in today's findings notice related to section 110(a)(2)(D).
- States that are not identified under the CAIR must submit SIPs showing that their states do not significantly contribute to nonattainment or maintenance problems for the 8-hour ozone or PM2.5 NAAQS in downwind states. EPA is preparing technical and policy guidance documents applicable to states that are not included in the CAIR which these states can use to make this demonstration. The guidance documents will also address issues related to preventing air quality deterioration and visibility.

States Actions to Satisfy the Requirements to Control Interstate Transport

- As stated above, the 28 states identified in the CAIR must submit SIPs that will achieve the emission reduction requirements in the CAIR within 18 months of the signature of the final CAIR. States that submit an approvable SIP to satisfy the requirements of the CAIR within the required time period will satisfy the requirements in today's findings notice related to section 110(a)(2)(D).
- States that are not identified under the CAIR must submit SIPs that show that their states do not significantly contribute to nonattainment or maintenance problems for the 8-hour ozone or PM2.5 NAAQS in downwind states. EPA is preparing technical and policy guidance documents applicable to states that are not included in the CAIR which these states can use to make this demonstration. The guidance documents will also address

issues related to PSD and Visibility.

For Further Information

- For further information concerning this action, contact Mr. Larry D. Wallace of EPA's Office of Air Quality Planning and Standards at (919) 541-0906.