

US EPA ARCHIVE DOCUMENT

FACT SHEET

FINDINGS OF FAILURE TO SUBMIT REQUIRED STATE IMPLEMENTATION PLANS FOR PHASE II OF THE NO_x SIP CALL

ACTION

- On January 27, 2006, the Environmental Protection Agency (EPA), under the Clean Air Act, found that Indiana, Illinois, Kentucky, Michigan, and Virginia failed to submit the state implementation plan (SIP) revisions required by Phase II of the NO_x SIP Call. These SIPs were due to EPA by April 1, 2005.
- EPA is taking this action to ensure that the states reduce emissions of nitrogen oxides (NO_x) to the levels required by the NO_x SIP Call Rule, EPA's regional strategy to reduce ozone levels across the eastern US. Seven states have revised their state implementation plans in accordance with Phase II of the NO_x SIP Call. The five states addressed by this notice have not yet made their revisions and submitted them to EPA.
- The 1998 NO_x SIP Call is a critical component in reducing summertime emissions of NO_x -- one of the key components of ground-level ozone. When inhaled -- even at very low levels -- ground-level ozone can cause acute respiratory problems, aggravate asthma, reduce lung capacity, inflame lung tissue, and impair the body's immune system.
- Phase II of the NO_x SIP Call requires states that have not achieved the full emissions reductions required by the rule to submit SIPs showing how they will fulfill their obligations. States are required to achieve the emission reductions required by both phases of the NO_x SIP Call by May 1, 2007.
- EPA is working with the states to ensure that they will submit their plan revisions as soon as possible. The Agency has sent letters to the five states explaining that publication of this notice defines the start of a clock for EPA to develop a federal implementation plan under section 110(c) of the Clean Air Act.
- Normally, EPA's action to correct this problem would trigger an 18-month sanctions clock; however, since the 1-hour ozone standard was revoked on June 15, 2005, sanctions do not apply for these five states.

BACKGROUND

- EPA issued the NO_x SIP Call rule in September 1998 as part of its effort to reduce unhealthy air in the eastern half of the country. The original rule required 22 states and the District of Columbia to reduce NO_x emissions that cross state boundaries and forms ground-level ozone in downwind states.

- On March 3, 2000, the D.C. Circuit Court upheld the rule for 19 states and D.C., but vacated it for Wisconsin, Georgia and Missouri, sending the portions of the rule focusing on those states back to EPA for further rulemaking. The Court also found that the record supported the inclusion of only a portion of the states of Georgia and Missouri.
- As a result of the Court's decision, EPA divided the emissions reductions of the NO_x SIP Call into two phases (Phase I and Phase II). Phase I addresses those portions of the rule that the Court had upheld.
- Phase II, which is the final phase of the NO_x SIP Call, was published in the *Federal Register* in April 2004.

FOR MORE INFORMATION

- To download a copy of the proposed rule, visit <http://www.epa.gov/ttn/oarpg>.
- To download a copy of the original NO_x SIP Call Rule, the NO_x SIP Call Technical Amendments, go to <http://www.epa.gov/ttn/naaqs/ozone/rto/sip/index.html>.