

US EPA ARCHIVE DOCUMENT

11/29/99

**FACT SHEET**  
**ACTION REGARDING SECTION 126 PETITIONS FOR PURPOSES OF**  
**REDUCING INTERSTATE OZONE TRANSPORT**

**TODAY'S ACTION**

- ! The Environmental Protection Agency (EPA) is taking final action to extend the temporary stay of the effectiveness of its May 25, 1999 final action on petitions submitted by eight northeastern states seeking to reduce ozone pollution through reductions in nitrogen oxide (NO<sub>x</sub>) emissions from other states.
- ! The petitions were filed under Section 126 of the Clean Air Act, which authorizes states to petition EPA to establish federal emissions limits for specific sources of pollution that have been identified as significantly contributing to smog problems in the petitioning states.
- ! This action will extend the stay until January 10, 2000, and will prevent the findings under Section 126 from being triggered automatically when the current stay expires November 30. (EPA issued the stay in June.)
- ! This stay provides EPA time to finalize its work on the section 126 petitions and sign the final rule to modify the May 25, 1999 rule no later than early to mid December 1999.

**BACKGROUND & CHRONOLOGY**

- ! In August 1997, eight northeastern states filed petitions with EPA to reduce the transport of ground-level ozone pollution (smog). The eight states are Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont. The petitions identified 30 states plus the District of Columbia as containing sources that significantly contribute to regional transport of ozone.
- ! The petitions asked EPA to find that certain utilities and other sources of NO<sub>x</sub> significantly contribute to ozone problems in the eight petitioning states. NO<sub>x</sub>, a by-product of combustion, are a primary contributor to the formation of ground-level ozone or smog.
- ! On May 25, 1999, EPA issued a final rule determining that six of the eight petitions (Connecticut, Maine, Massachusetts, New Hampshire, New York, and Pennsylvania) could be partially approved based solely on technical considerations. EPA determined that four petitions were partially approvable based on the 1-hour standard.
- ! On June 24, 1999, EPA issued an interim final rule to temporarily stay the effectiveness of the May 25 final rule regarding the section 126 petitions until November 30, 1999. The purpose

of the interim final rule was to provide EPA time to conduct notice and comment rulemaking addressing issues raised by two recent rulings of the U.S. Court of Appeals for the District of Columbia concerning the ozone NAAQS and NO<sub>x</sub> SIP call.

- ! In a separate action on June 24, 1999, EPA proposed amendments to its final rule on the section 126 petitions and to remove the link between final action on the petitions and the NO<sub>x</sub> SIP call deadlines. Also in June, EPA proposed to indefinitely stay its findings related to the 8-hour ozone standard, pending further developments in the NAAQS litigation.

#### **FOR MORE INFORMATION**

- ! To download a copy of today's extension, go to EPA's World Wide Web site at the following address: (<http://www.epa.gov/ttn/rto/126>). For additional information about the section 126 petitions, contact Carla Oldham of EPA's Office of Air Quality Planning and Standards at 919-541-3347.
- ! The EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information about many air pollution programs and issues. The Office of Air and Radiation's home page address is: (<http://www.epa.gov/oar/>).