

9/24/98

**FACT SHEET**  
**FINAL RULE FOR REDUCING REGIONAL TRANSPORT OF**  
**GROUND-LEVEL OZONE (SMOG) AND TWO RELATED PROPOSALS**

**TODAY'S ACTION**

- ◆ The Environmental Protection Agency (EPA) is announcing three actions that address the regional transport of ground-level ozone, the main component of smog:
  - 1) a final rule requiring 22 States and the District of Columbia to submit State implementation plans that address the regional transport of ground-level ozone through reductions in nitrogen oxides or "NOx" (this rule is commonly known as the NOx SIP call),
  - 2) proposed federal requirements to reduce regional ozone transport in these States if any State does not submit the required State implementation plan provisions in response to the NOx SIP call, and
  - 3) proposed action on petitions filed by eight northeastern States seeking to reduce ozone across State boundaries through reductions in NOx emissions (these petitions were filed under section 126 of the Clean Air Act and consequently are referred to as section 126 petitions).

**Final Rule - Regional NOx Emission Reductions (NOx SIP Call)**

- ◆ The final rule requires 22 States and the District of Columbia to submit State implementation plans that address the regional transport of ground-level ozone. By improving air quality and reducing emissions of nitrogen oxides (a precursor to ozone formation known as NOx), the actions directed by these plans will decrease the transport of ozone across State boundaries in the eastern half of the United States. The rule requires emission reduction measures to be in place by May 1, 2003. The States that will be subject to this action are:

Alabama, Connecticut, District of Columbia, Delaware, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia.

- ◆ The final rule does not mandate which sources must reduce pollution. States will have the ability to meet the requirements of this rule by reducing emissions from the sources they choose. However, utilities and large non-utility point sources would be one of the most likely sources of NOx emissions reductions. The final rule includes a model NOx Budget Trading Program that will allow States to achieve over 90% of the required emissions reductions in a highly cost-effective way.

- ◆ This rule will reduce total summertime emissions of nitrogen oxides by about 28 percent (1.2 million tons) beginning in the year 2003 in the affected 22 States and the District of Columbia. EPA projects that these regional NO<sub>x</sub> reductions will bring the vast majority of all new ozone nonattainment areas into attainment with the 8-hour ozone standard without having to implement more costly local controls. It will also help reduce ozone levels in the remaining nonattainment areas east of the Mississippi River.
- ◆ Responding to public comment, EPA made several changes to the final NO<sub>x</sub> SIP Call to make it more flexible and more cost-effective, while preserving the environmental benefits. EPA added new flexibilities to ensure that the rule will not have any adverse effect on electricity reliability.

#### **Proposed Federal Implementation Plan**

- ◆ EPA is also proposing federal requirements to reduce regional ozone transport in the event that any of the 22 States or the District of Columbia does not submit the required State implementation plan provisions in response to the NO<sub>x</sub> State implementation plan call (NO<sub>x</sub> SIP call) or fails to submit an approvable plan. The proposal includes NO<sub>x</sub> reduction requirements for utilities and large non-utility point sources, including large industrial boilers and turbines, large internal combustion engines, and cement manufacturing. The proposed requirements use the same source cutoff levels, categories, and control levels as were used to develop the final NO<sub>x</sub> SIP call budgets and require that the emission reduction measures be implemented on the same schedule (i.e., by May 1, 2003).

#### **Proposal Related to Section 126 Petitions**

- ◆ EPA is also proposing action on petitions filed by eight northeastern States seeking to reduce ozone transport across State boundaries through reductions in NO<sub>x</sub> emissions. These petitions were filed under section 126 of the Clean Air Act, a legal mechanism which authorizes the States to petition EPA to address air pollution transported from upwind States. Each petition specifically requests that EPA make a finding that NO<sub>x</sub> emissions from certain stationary sources significantly contribute to ozone nonattainment problems in the petitioning State.
- ◆ The eight northeastern States that filed petitions are Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. The States identified by the petitioning States as contributing to the significant transport of NO<sub>x</sub> include all of the 22 States and the District of Columbia that are subject to the NO<sub>x</sub> SIP call, plus other States as well.
- ◆ EPA is proposing to find that seven of the eight section 126 petitions have technical merit and that sources in 19 States and the District of Columbia significantly contribute to nonattainment in, or interfere with the ability of States to maintain clean air in, one or more of the petitioning States. For these sources, EPA is proposing the control requirements that would apply if the Agency makes a final finding. In selecting proposed requirements, EPA relied on the analysis for the NO<sub>x</sub> SIP Call.

- ◆ EPA is proposing to defer granting the approvable portions of the petitions until a later time since the Agency expects State submittals in response to the NO<sub>x</sub> SIP call, which are due in September 1999, will address the ozone transport identified by the petitioning state. This deferral would allow the affected States and the District of Columbia an opportunity to respond to the NO<sub>x</sub> SIP call before EPA would make any final finding.

## **BACKGROUND**

- # Ground-level ozone tends to be a problem over broad regional areas, particularly in the eastern United States, where it is transported by the wind. When emitted, NO<sub>x</sub> reacts in the atmosphere to form compounds that contribute to the formation of ozone. These compounds, as well as ozone itself, can travel hundreds of miles across State boundaries to affect public health in areas far from the source of the pollution. Thus, cities or areas with "clean" air, those that meet or attain the national air quality standards for ozone, may be contributing to a downwind city's ozone problem because of transport.
- # The Clean Air Act requires that a State implementation plan contain provisions to prevent a State's facilities or sources from contributing significantly to air pollution problems "downwind," specifically in those areas that fail to meet the national air quality standards for ozone.
- # Through a 2-year effort known as the Ozone Transport Assessment Group (OTAG), EPA worked in partnership with the 37 easternmost States and the District of Columbia, industry representatives, and environmental groups to address ozone transport. From May 1995 to June 1997, the OTAG held meetings to identify and evaluate flexible and cost-effective strategies for reducing long-range transport of ozone and ozone precursors. This multi-year collaboration resulted in the most comprehensive analysis of ozone transport ever conducted.
- # In June 1997, the OTAG States voted 32-5 in favor of a strategy to reduce NO<sub>x</sub> emissions from utilities and other major sources. Reductions ranged from those currently required by the Clean Air Act, up to an 85% reduction in emissions rate (or .15/mmBTU, whichever is less stringent) from 1990 utility levels in a number of States in the OTAG region.
- # In August 1997, Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Pennsylvania, and Vermont, citing section 126 of the Clean Air Act, filed petitions with EPA to reduce the transport of ground-level ozone pollution. The petitions ask EPA to make a finding that certain utilities and other sources of nitrogen oxides significantly contribute to ozone problems in the eight petitioning States. All the petitions target sources in the Midwest; some of the petitions target additional sources in the South, Southeast, and Northeast. If EPA agrees and makes the requested finding, the Agency would establish emission control requirements for the targeted sources.

# On November 7, 1997, building on the recommendations of OTAG, EPA proposed to require 22 States and the District of Columbia to submit State implementation plans that address the regional transport of ground-level ozone, the main component of smog. EPA proposed to require NO<sub>x</sub> emission reductions by September 2002 to eliminate the significant contribution of emissions from upwind States, and set Statewide NO<sub>x</sub> emissions budgets reflecting those reductions. EPA proposed that fifteen States that participated in OTAG would be excluded from the NO<sub>x</sub> SIP call because modeling did not demonstrate that they significantly contributed to ozone problems in other States. These States are:

Arkansas, Florida, Iowa, Kansas, Louisiana, Maine, Minnesota, Mississippi, North Dakota, Nebraska, New Hampshire, Oklahoma, South Dakota, Texas, Vermont

# On May 11, 1998, EPA issued a supplemental notice which proposed a model NO<sub>x</sub> budget trading program and State reporting requirements and provided the air quality analyses of the proposed Statewide NO<sub>x</sub> emissions budgets.

# In February 1998, in response to litigation, the eight States that submitted section 126 petitions and the EPA filed a proposed consent decree that would establish a schedule for acting on the petitions. The schedule is designed to ensure that the EPA will take timely action on the States' petitions while recognizing that the Agency is simultaneously examining regional transport of ozone in the NO<sub>x</sub> SIP call. On August 21, 1998, EPA requested that the court accept the terms of the consent decree. The EPA is awaiting the court's decision.

# On April 30, 1998, in accordance with the consent decree, EPA published an advanced notice of proposed rulemaking for the section 126 petitions. The notice included EPA's schedule for action, and a preliminary technical review of the eight petitions.

### **WHAT ARE THE HEALTH AND ENVIRONMENTAL BENEFITS OF REDUCING EMISSIONS OF NO<sub>x</sub> ?**

# Reducing NO<sub>x</sub> will significantly reduce ground-level ozone across the eastern U.S. Ground-level ozone is not emitted directly into the atmosphere. It is formed when emissions of nitrogen oxides and volatile organic compounds react in the presence of sunlight. While beneficial in the upper atmosphere, ozone in the lower atmosphere can cause a variety of health problems because it damages lung tissue, reduces lung function, and adversely sensitizes the lungs to other irritants.

# Children, and especially asthmatic children, are at special risk for adverse health effects from the dangers of ozone pollution. Children playing and exercising outside in the summertime, the season when concentrations of ground-level ozone are the greatest, may suffer from coughing, decreased lung function, and have trouble catching their breath.

- # Asthmatic children and adults are much more likely to have asthma attacks - or have more severe attacks - when ozone levels in the air are high. Medical studies have shown that ozone can aggravate asthma, causing more asthma attacks, increased use of medication, more medical treatment and more visits to hospital emergency rooms.
- # Ground-level ozone also interferes with the ability of plants to produce and store food making them more susceptible to disease, insect attack, and other pollutants. Ground-level ozone has been shown to reduce agricultural yields for many economically important crops (e.g., soybeans, kidney beans, wheat, cotton).
- # Air pollution accounts for up to one-third of total nitrogen loadings into the Chesapeake Bay. These loadings accelerate "eutrophication" -- an over-enrichment of the eco-system which results in significant oxygen depletion, die-back of underwater plants, and reduced populations of fish and shellfish. Eutrophication is a significant and widespread problem in the nation's Atlantic and Gulf of Mexico coastal waters, in estuaries and in some freshwater lakes.
- # Excessive nitrogen from air pollution can result in the acidification of lakes, streams and soils. Nitrates can leach into surface waters, accelerating the process of long-term chronic acidification.
- # Nitrogen oxides also contribute to airborne particulate matter, regional haze (visibility) problems and global warming.

## Specifics About The Final NO<sub>x</sub> SIP Call

### WHAT STATES WOULD BE AFFECTED BY THE NO<sub>x</sub> SIP CALL?

- ◆ In the final rule, EPA identifies areas that “contribute significantly” to ozone problems in downwind areas. The following States will have to submit implementation plans to EPA that address how they will reduce the transport of NO<sub>x</sub> emissions across State boundaries because they have been deemed to “contribute significantly” to downwind ozone problems:

Alabama, Connecticut, District of Columbia, Delaware, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia.

- ◆ For the fifteen States that were part of OTAG, but that EPA excluded from the NO<sub>x</sub> SIP Call proposal, the Agency plans to conduct further analysis (comparable to the analysis for States affected by the SIP call) to characterize transport from these States before a final decision is made.
- ◆ EPA is establishing a nitrogen oxides (NO<sub>x</sub>) budget for each identified State. States have the flexibility to decide which utilities and other sources will be required to reduce NO<sub>x</sub> emissions in order to meet the projected budgets.
- ◆ To determine whether emissions from an upwind State “significantly contribute” to poor air quality in an area downwind, EPA relied on a three-step approach:
  - ▶ First, using two independent modeling analyses, EPA evaluated several air quality factors, including the downwind contribution (both the frequency and magnitude) of emissions in the upwind State, to see if these emissions affected a downwind State’s ability to meet the ozone standard.
  - ▶ Second, EPA considered which of the upwind emissions could be eliminated through highly cost-effective controls -- these emissions are considered to be emissions that significantly contribute to ozone “nonattainment” in a downwind area.
  - ▶ Third, to confirm this conclusion, EPA modeled the effect on air quality in these downwind areas if these emissions were eliminated.

### HOW DID EPA ESTABLISH THE NO<sub>x</sub> BUDGETS FOR EACH STATE?

- ◆ Building on the recommendations from OTAG, EPA established NO<sub>x</sub> budgets (that apply to the summer ozone season) for each State by determining the amount of NO<sub>x</sub> emissions that

would remain after application of highly cost-effective controls to utilities and other sources of NO<sub>x</sub>.

- ◆ For example, for utilities, EPA chose a control level (.15 lb/mmBtu) which is achievable using available, cost-effective technology and which corresponds to the most protective level recommended by OTAG. The Ozone Transport Commission (northeastern States) has adopted a similar range for NO<sub>x</sub> reductions for utilities. (Note that automobiles which are a source of NO<sub>x</sub> emissions have already been controlled by more than 95% to date.)
- ◆ For mobile sources, and area sources, EPA is following OTAG recommendations to not require additional local controls on area and mobile sources. For non-utility sources, EPA chose a control level that represents a 60% reduction from uncontrolled levels for large industrial boilers and turbines, a 90% reduction from stationary combustion engines, and a 30% reduction from cement kilns.
- ◆ States will be able to decide the best mix of controls to meet their overall NO<sub>x</sub> budget. EPA will require States to submit implementation plans in response to the NO<sub>x</sub> SIP Call by September 1999, and implement the controls they choose by May 1, 2003.
- ◆ In response to concerns about the potential effects of the rule on the availability of electricity, the final rule creates a pool of emission “credits” for each State to use. States may issue the emissions credits to sources that achieve their emission reductions earlier than required or to sources that demonstrate a need for relief from the compliance deadline. This pool of credits encourages early compliance, but also provides significant flexibility by allowing these credits to be used by sources that might not otherwise meet the deadline in time.
- ◆ EPA will work with States to establish a multi-State emissions "cap and trade" program for electric utility and large industrial boilers and turbines. This program will allow States to achieve over 90% of the emissions reductions required by the SIP call. As part of this effort, EPA has provided a model “cap and trade” program which would allow facilities that reduce emissions early or in greater amounts than required to sell their emission reductions to other facilities that cannot reduce emissions as quickly or as cost-effectively. This program rewards early action, and grants more flexibility to those facilities that need more time to implement controls. EPA is offering to help administer this program for States that choose to participate.

### **WHAT IS A TRANSITIONAL CLASSIFICATION AND HOW IS IT RELATED TO THE NO<sub>x</sub> SIP CALL?**

- ◆ In July 1997, when EPA issued the revised national ambient air quality standards for ozone and particulate matter, President Clinton directed EPA to develop flexible approaches to implementing these new standards. This flexible implementation approach encourages cleaner air sooner, responds to the fact that ozone is a regional as well as a local problem, and eliminates unnecessary planning and regulatory burdens for State and local governments.

- ◆ Part of this approach would provide incentives for States under a new “transitional” classification for areas that do not meet the new 8-hour ozone standards. The transitional classification is designed to allow States to take advantage of regional NO<sub>x</sub> reductions and make it easier to comply with the new 8-hour ozone standard. Many areas will need little or no additional new local emission reductions to reach attainment, beyond those reductions that will be achieved through the regional NO<sub>x</sub> control strategy. These areas will most likely come into attainment earlier than the statutory deadline. Therefore, EPA is eliminating unnecessary local planning requirements for these areas.
  
- ◆ Areas covered by this rulemaking could be eligible for the “transitional” area classification if:
  - They attain the 1-hour 0.12 standard by the year 2000;
  - The State submits an implementation plan by the year 2000 that specifies how it will achieve the emission reductions called for in this rulemaking; and
  - For areas that need additional reductions to achieve the new standard, States must submit by 2000 a plan for achieving those necessary reductions.
  
- ◆ In States where the regional NO<sub>x</sub> reductions are sufficient to bring areas into attainment, States would need to include any control measures required to achieve regional NO<sub>x</sub> reductions in their State implementation plans. No additional local controls will be necessary, and State and local agencies may be able to continue their new source review programs with only minor changes.
  
- ◆ If the regional NO<sub>x</sub> reductions are not sufficient to bring the area into attainment, the State’s plan would need to include (1) control measures to achieve the regional NO<sub>x</sub> reductions, and (2) additional local measures as necessary to bring the area into attainment.
  
- ◆ Areas not covered by this rulemaking are also eligible for the transitional classification if:
  - They attain the 1-hour standard by 2000 and
  - The State submits to EPA by 2000 a plan for achieving any reductions needed to attain the new standard.
  
- ◆ EPA plans to issue final guidance on the transitional classification in December 1998.

## **Specifics About the Proposed Findings In Response to the Section 126 Petitions**

### **WHAT IS EPA'S PROPOSED FINDING ON THE EIGHT STATE PETITIONS?**

- ◆ After analyzing the petitions from the eight States, EPA is proposing that certain sources within the following States significantly contribute to ozone nonattainment in at least one of the petitioning States: Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia.
- ◆ EPA is not proposing that sources within any of the following States significantly contribute to ozone nonattainment in any of the petitioning States: Arkansas, Georgia, Iowa, Louisiana, Maine, Minnesota, Mississippi, New Hampshire, South Carolina, Vermont, and Wisconsin. To be consistent with the level of information and analysis that was available for other named States, EPA plans to obtain additional technical information to conduct further analysis for sources in Maine, New Hampshire, and Vermont.

### **WHAT SOURCES IN THE AFFECTED STATES WOULD BE REQUIRED TO IMPLEMENT CONTROLS?**

- ◆ The named source categories in the petitions can be combined into one general category - fossil fuel-fired indirect heat exchangers. This term applies to boilers and turbines used for the production of steam, electricity, and in some cases mechanical work, and to process heaters.

### **WHAT ARE THE PROPOSED REQUIREMENTS?**

- ◆ In selecting requirements, EPA relied on the analysis for the NO<sub>x</sub> SIP call.
- ◆ The proposal covers both existing and new facilities in affected States. For large electricity generating units, EPA is proposing a control level, consistent with the NO<sub>x</sub> SIP Call, that corresponds to 0.15 lb/mmBtu. For industrial boilers and turbines greater than 250 mmBtu/hr, EPA is proposing a control level corresponding to a 60 percent reduction from an uncontrolled baseline. For process heaters and small sources, EPA is proposing no additional controls.
- ◆ The Clean Air Act specifies that compliance would be required within three years after EPA makes a final finding on the petition.
- ◆ EPA plans to implement NO<sub>x</sub> requirements through an emissions "cap-and-trade" program. EPA believes a trading program is the most cost-effective approach for achieving emissions reductions from the large sources affected by this proposal. The proposed emissions trading program is consistent with the model trading rule that EPA is finalizing for purposes of the NO<sub>x</sub>

SIP call, except for changes necessary to account for federal implementation instead of State implementation.

- ◆ EPA envisions that there would be a common trading program among section 126 sources and NOx SIP call sources in States that choose to participate in the State trading program, and sources subject to a Federal implementation plan under the NOx SIP call.
- ◆ EPA successfully worked with small business representatives, including the Small Business Administration, prior to proposal to minimize impacts on small businesses.

### **HOW ARE THE NOx SIP CALL AND THE SECTION 126 PETITIONS RELATED?**

- # The NOx SIP call and the section 126 petitions are both designed to reduce NOx emissions that travel across the eastern United States and contribute to regional ozone problems. The section 126 petitions request that the EPA establish emission limitations and compliance schedules for groups of stationary sources that may also be subject to controls by States and the District of Columbia in their response to the EPA's NOx SIP call.
- # Because the NOx SIP call process overlaps considerably with the section 126 petition process, EPA believes it is important to coordinate the two actions as much as possible and harmonize the timeframes for action.
- # Specifically, if those States affected by the NOx SIP call submit SIPs for EPA review, and if EPA proposes to approve those SIPs, EPA may delay taking any necessary final action on the section 126 petitions until May 1, 2000.
- # However, if the EPA does not propose to approve the SIPs submitted by the States in response to the NOx SIP call by November 30, 1999, or grant final approval to those plans by May 1, 2000, then the 126 petitions determined to have technical merit would automatically be granted as of November 30, 1999 or May 1, 2000 (as appropriate) for those sources in upwind States covered by EPA's section 126 finding.
  - ▶ Approval of the section 126 petitions--automatic or otherwise--would mean that the affected sources would be required to reduce NOx emissions that significantly contribute to interstate transport of ozone.

### **NEXT STEPS**

- ◆ The EPA is seeking public comment on this proposal prior to issuing a final rule.
- ◆ A public hearing on the proposal is scheduled for October 28-29. The location will be announced in the Federal Register.

# **Specifics About the Proposed Federal Implementation Plans to Reduce the Regional Transport of Ozone**

## **WHAT STATES WOULD BE AFFECTED BY THIS PROPOSAL?**

- ◆ EPA is proposing federal implementation plans that may be needed if any State fails to revise its SIP to comply with the NOx SIP call. Consequently, the States that would potentially be subject to this proposal are the same States that are covered under the NOx SIP call:

Alabama, Connecticut, District of Columbia, Delaware, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia.

- ◆ The Clean Air Act requires EPA to develop a federal implementation plan if a State fails to respond adequately to a SIP call.
- ◆ EPA plans to take immediate action to finalize federal implementation plans if any of these States fail to respond to the NOx SIP call, and do not adopt and submit to EPA a complete revised State implementation plan by September 1999.

## **WHAT ARE THE PROPOSED REQUIREMENTS?**

- ◆ This proposal is a contingency measure intended to achieve highly cost-effective emission reductions that are equivalent to the reductions required by the NOx SIP call in the event that any State fails to revise its State implementation plan by September 1999 or does not adequately revise the plan. The proposal would require emission reductions at affected sources by May 1, 2003.
- ◆ The proposed requirements include use of an innovative and highly cost-effective federal NOx Budget Trading Program for large boilers and turbines that is included in the proposed finding for the section 126 petitions. This proposed trading program would allow owners of boilers and turbines the flexibility to develop their own compliance approach to achieve the needed ozone season NOx emission reductions.
- ◆ The proposed federal implementation plan also includes cost-effective regulations to decrease ozone season NOx emissions from large stationary internal combustion engines and cement manufacturing.
- ◆ EPA successfully worked with small business representatives, including the Small Business Administration, prior to proposal to minimize impacts on small businesses.

## **NEXT STEPS**

- ◆ The EPA is seeking public comment on this proposal prior to issuing a final rule.
- ◆ A public hearing on the proposal is scheduled for October 28-29. The location will be announced in the Federal Register.

## **TIMELINE FOR REGIONAL OZONE TRANSPORT RULEMAKING (NO<sub>x</sub> SIP CALL), ACTION ON SECTION 126 PETITIONS FROM EIGHT STATES, AND THE FEDERAL IMPLEMENTATION PLAN**

- ◆ 1990 Congress passes, and President Bush signs into law, the Clean Air Act Amendments which required States to submit plans by November 1994 demonstrating how they would attain the ozone standard.
- ◆ 1991 The National Academy of Sciences issued “Rethinking the Ozone Problem in Urban and Regional Areas.” This report stated that, in many parts of the country, controlling emissions of nitrogen oxides would be necessary to reduce ozone.
- ◆ 1993-1994 States expressed concern to EPA that emissions from “upwind” areas need to be addressed so that the States can meet the Act’s requirements for demonstrating attainment.
- ◆ May 1995 -- June 1997 37 eastern States form Ozone Transport Assessment Group (OTAG) and analyze regional ozone pollution in the East
- ◆ June 1997 OTAG recommends that EPA take actions to reduce regional ozone transport.
- ◆ July 1997 EPA revises ozone standard to focus on 8-hour levels; Clinton Administration issues guidance allowing “transitional” classification for ozone nonattainment areas.
- ◆ August 1997 Citing section 126 of the Clean Air Act, eight States filed petitions requesting that EPA examine the transport of ozone from upwind sources.
- ◆ October 1997 EPA acts on OTAG recommendations and proposes NO<sub>x</sub> SIP call and states intention to propose federal implementation plans in September 1998 (Notice published on November 7, 1997).

- ◆ February 25, 1998 EPA and petitioning States filed a proposed consent decree with a schedule to take action on the section 126 petitions.
- ◆ April 1998 EPA issues supplemental notice of proposed rulemaking for NOx SIP call (Notice published on May 11, 1998). EPA issues advanced notice of proposed rulemaking on the section 126 petitions.
- ◆ September 1998 EPA issues final NOx SIP call (establishes NOx budgets). EPA proposes action on the 126 petitions and federal implementation plans.
- ◆ October 28-29, 1998 Public hearing for proposed action on section 126 petitions and proposed federal implementation plans.
- ◆ April 30, 1999 EPA will take final action on the 126 petitions, but could postpone making a final finding that would impose control requirements. Compliance would be required within three years after EPA makes a final finding.
- ◆ September 1999 States submit plans to EPA in response to NOx SIP call (due 12 months from signature date). EPA takes action to finalize federal implementation plans for States that fail to submit plans.
- ◆ November 30, 1999 If EPA chooses, the April 1999 final rule may provide that the section 126 petitions will be automatically granted if EPA does not propose to approve SIPs submitted in response to the NOx SIP call by the States whose sources are targeted by the section 126 petitions. The petitions would only be granted to the extent that EPA determined in April 1999 that the petitions had technical merit.
- ◆ May 1, 2000 If EPA chooses, the April 1999 rule may further provide that the section 126 petitions will be automatically granted if EPA does not take final action approving SIPs submitted in response to the NOx SIP call by the States whose sources are targeted by the section 126 petitions. The petitions would only be automatically granted to the extent that EPA had determined in April 1999 that the petitions had technical merit. If EPA has taken the appropriate proposed and final actions by the appropriate dates for the NOx SIP call SIPs, then EPA will take whatever final action on the section 126 petitions that EPA considers necessary by May 1, 2000.

- ◆ May 1, 2003 States must implement controls to achieve their NOx budgets.
- ◆ September 30, 2007 States are expected to be in compliance with their NOx budgets.

### **FOR MORE INFORMATION**

- # Interested parties can download the final NOx SIP Call and the two proposed actions from EPA's web site on the Internet at the following address: (<http://www.epa.gov/airlinks>). Information about the OTAG process can also be found on the Internet at: (<http://www.epa.gov/ttn/otag>). For further information about the NOx SIP Call, contact Kimber Scavo of EPA's Office of Air Quality Planning and Standards at (919) 541-3354. For further information about the proposed federal implementation plan, contact Doug Grano of EPA's Office of Air Quality Planning and Standards at (919) 541-3292. For further information about EPA's proposed action on 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/>).