

FACT SHEET

Extension of Deadline for Action on the November 2016 Section 126 Petition from Delaware and the November 2016 Section 126 Petition from Maryland

Action

- On December 15, 2016, Environmental Protection Agency (EPA) extended by six months the deadline to respond to a petition submitted by the state of Delaware and a petition submitted by the state of Maryland, both under section 126 of the Clean Air Act.
- The petition from Delaware requests that EPA make a finding that the Homer City power station located in Indiana County, Pennsylvania, is emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 national ambient air quality standards (NAAQS) for ozone and the 2015 ozone NAAQS in Delaware.
- The petition from Maryland requests that EPA make a finding that 36 electric generating units located in the states of Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are emitting air pollutants that significantly contribute to nonattainment or interfere with maintenance of the 2008 and the 2015 ozone NAAQS in Maryland.
- If EPA makes such a finding, the relevant sources must comply with any emission limits established by EPA.
- EPA has begun to review the petitions and supporting technical information provided by Delaware and Maryland but the Agency will need additional time to complete a more in-depth review, develop proposed remedies if necessary, and provide adequate time for the public to comment prior to issuing the final rule.

Background

- Section 126 of the Clean Air Act gives a state the authority to ask EPA to set emissions limits for specific sources of air pollution in other states that significantly contribute to nonattainment of one or more NAAQS in the petitioning state.
- The Clean Air Act requires the EPA to respond to these types of petitions within 60 days of receipt.
- The 60-day period will not allow EPA sufficient time to complete the necessary technical review, develop adequate proposals, and allow time for notice and comment on whether the sources cited in the petitions contribute significantly to nonattainment or maintenance problems in Delaware or Maryland.

- The Clean Air Act allows EPA to take this procedural action if the Agency determines that the extension is necessary.

More Information

To read the final extension rule, visit <https://www.epa.gov/ozone-pollution/2008-ozone-national-ambient-air-quality-standards-naaqs-section-126-petitions>.