

Final Action on the June 2016 Section 126 Petition from Connecticut Regarding Nitrogen Dioxide Emissions from the Brunner Island Steam Electric Station

Fact Sheet

Action:

- On April 6, 2018 the Environmental Protection Agency (EPA) denied a petition submitted by the Connecticut Department of Energy and Environmental Protection under section 126 of the Clean Air Act.
- Connecticut's June 2016 petition asks EPA to determine that the Brunner Island Steam Electric Station in York County, Pennsylvania, violates the Clean Air Act's "good neighbor" provision because, according to Connecticut, it emits or would emit air pollutants in amounts that significantly contribute to nonattainment and interfere with maintenance of the 2008 ozone National Ambient Air Quality Standards (NAAQS) in Connecticut.
- In its 2016 petition, in addition to other options, Connecticut proposed that the operation of natural gas is an available, cost-effective emission reduction measure that could be implemented at Brunner Island to reduce nitrogen oxide (NOx) emissions that contribute to ozone pollution in Connecticut.
- By the beginning of the 2017 ozone season the Brunner Island Station had implemented this measure. In 2017, the Brunner Island plant completed the installation of a natural gas pipeline. Monthly reported emission rates and fuel usage demonstrate that the facility predominantly used natural gas during the 2017 ozone season. As a result, Brunner Island's actual ozone season NOx emissions reduced from 3,765 tons in 2016 to 877 tons in 2017. EPA expects the facility to continue operating primarily by burning natural gas in future ozone seasons.
- EPA has concluded that Brunner Island does not currently emit, nor is it expected to emit, pollution in violation of the good neighbor provision for the 2008 ozone standards. The facility has already implemented a cost-effective strategy for reducing NOx emissions – one that Connecticut identified in its petition.

Background:

- The Clean Air Act allows any state or political subdivision to petition EPA to find that a major source or group of stationary sources emits or would emit any air pollutant at amounts that violate the good neighbor provision of the Act.
- If the Administrator finds the source's emissions violate the good neighbor provision of the Act, continued operation can be permitted only if the source complies with any emission

limits and compliance schedules set by the Administrator to ensure compliance as soon as possible, but no later than three years from the date of the finding.

- The good neighbor provision of the Clean Air Act require states to address their air emissions that will significantly contribute to nonattainment and interfere with maintenance of the NAAQS in other states.
- In March 2008, EPA strengthened the NAAQS for ground level ozone setting it at 75 parts per billion (ppb). In October 2015, EPA further strengthened the ozone standards to 70 ppb. Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma. Ground level ozone can also have harmful effects on sensitive vegetation and ecosystems.
- On June 1, 2016, the state of Connecticut submitted to EPA a petition under section 126 of the Clean Air Act. The petition requested that EPA make a finding that emissions from Brunner Island Steam Electric Station, located in York County, Pennsylvania, are significantly contributing to nonattainment and interfering with maintenance of the 2008 ozone NAAQS in Connecticut in violation of the Clean Air Act's good neighbor provision.
- On July 14, 2016, EPA extended by six months the deadline to respond to the petition. The Clean Air Act allows EPA to take this procedural action if the Agency determines that the extension is necessary to carry out the rulemaking process.
- To address the good neighbor provision for the 2008 ozone NAAQS, the EPA previously limited ozone season NOx emissions from Pennsylvania power plants through the CSAPR Update, issued in October 2016. In that rule EPA assessed whether there are cost-effective reductions that can be applied to these plants, and established corresponding emissions budgets.
- On February 7, 2018, the U.S. District Court for the District of Connecticut instructed EPA to hold a public hearing within 30 days and take final action on this petition within 60 days. The EPA held a public hearing on February 23, 2018.

Additional Information:

- Today's final action and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
- The Public Reading Room is located in the EPA Headquarters, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC.

- Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays. o Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
- Materials for this action can be accessed using docket number EPA–HQ–OAR–2016-0347.
- For additional information on this action, please contact Lev Gabrilovich at Gabrilovich.lev@epa.gov, or 919-541-1496.