

**Final Supplemental Action on the Cross-State Air Pollution Rule:
Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin
and Determination for Kansas Regarding Interstate Transport of Ozone**

Fact Sheet

Action

- In this supplemental action, entitled "Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone," the U.S. Environmental Protection Agency (EPA) is including five additional states in the ozone season NO_x program of the final rule entitled "Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone" (Cross-State Air Pollution Rule, also known as Transport Rule), finalized on July 6, 2011.
- This rule requires Iowa, Michigan, Missouri, Oklahoma, and Wisconsin to reduce summertime (May through September) NO_x emissions as part of the Cross-State Air Pollution Rule (CSAPR) ozone season control program. EPA is not finalizing a federal implementation plan (FIP) for Kansas in today's action due to the unique status of Kansas' state implementation plan for ozone.
 - Four of these states – Iowa, Michigan, Missouri, and Wisconsin – in addition to Kansas, are also included in the fine particle control program of the CSAPR, requiring year-round (as opposed to summertime) NO_x reductions.
- The CSAPR, together with this supplemental action, will protect the health of millions of Americans by helping states reduce air pollution and attain clean air standards. With today's action, the CSAPR requires 28 states to significantly improve air quality by reducing power plant emissions that contribute to ozone and/or fine particle pollution in other states.

Significant Contribution and Interference with Maintenance

- In this final rulemaking, EPA has concluded that Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin significantly contribute to nonattainment and/or interfere with maintenance of the 1997 ozone National Ambient Air Quality Standard (NAAQS) in one or more downwind states.
 - The air quality modeling for the final CSAPR identified two counties that were not included in the proposed rule - Allegan County, MI and Harford County, MD - as being at risk of not maintaining the 1997 ozone standards.
 - EPA's modeling shows that Iowa, Kansas, Missouri, Oklahoma, and Wisconsin contribute to the maintenance problem in Allegan County, MI and that Michigan contributes to the maintenance problem in Harford County, MD. In addition, Missouri was found to significantly contribute to nonattainment problems at receptors in Harris and Brazoria Counties in Texas for the 1997 ozone NAAQS.
- This action assures that, based on the modeling supporting the final CSAPR, downwind contributions of air pollutants that form ozone are controlled in Iowa, Michigan, Missouri, Oklahoma, and Wisconsin for areas at risk of not maintaining the 1997 ozone standard.

Federal Implementation Plans and State Budgets

- EPA is finalizing the ozone season NO_x program in the CSAPR as federal implementation plans (FIPs) for Iowa, Michigan, Missouri, Oklahoma and Wisconsin. EPA is also finalizing ozone season NO_x emission budgets for covered units in these five states as well as associated variability limits, new unit set-asides, and Indian country new unit set-asides. EPA is also finalizing allowance allocations for covered units in each state under the FIPs.
- EPA is not finalizing the FIP for Kansas in today's action. Consequently, at this time, Kansas will be covered under the CSAPR for the SO₂ and annual NO_x programs alone.
 - EPA has concluded that Kansas significantly contributes to nonattainment or interference with maintenance of the 1997 ozone National Ambient Air Quality Standard (NAAQS) in other states.
 - However, because of the status of Kansas' state implementation plan (SIP) for ozone, EPA does not have authority to finalize a FIP for the state and is not taking action on the inclusion of Kansas in the CSAPR ozone season NO_x program at this time.
 - Instead, in a separate action, EPA will issue a SIP Call for Kansas to reduce its emissions that contribute to nonattainment and maintenance issues in other states and will give the state 12 months to resubmit an ozone SIP that adequately reduces its contribution to downwind ozone air quality problems. EPA will revisit Kansas' status in the CSAPR at that time.
- EPA is increasing Oklahoma's ozone season NO_x budget **for 2012** from the level that what was proposed in the supplemental rule in July 2010 in order to address comments EPA received during the public comment process. For **2013 and beyond**, EPA is setting the Oklahoma ozone season NO_x budget at the level that was proposed in the supplemental rule in July 2011.
 - Sources in the other 4 states have already been preparing for NO_x control due to their inclusion in the CSAPR annual NO_x program, as finalized in July; those control measures will be in place as well for the ozone season.
 - Oklahoma is the only one of these states not included in the CSAPR annual NO_x program, or its predecessor, the Clean Air Interstate Rule. EPA recognizes that the timing of this final action would not allow Oklahoma sources to install new combustion control equipment ahead of the 2012 ozone season. In addition, EPA acknowledges that Oklahoma sources would not have enough time to shift the distribution of electricity to cleaner generators to meet local electricity demand that is currently being met by oil/gas units.
 - For these reasons, EPA has adjusted Oklahoma's 2012 budget to a level that reflects these unique circumstances.
 - EPA believes that sources in Oklahoma can make the required ozone season NO_x emission reductions as proposed in the July supplemental through a combination of reduction measures, including LNB installations and increased dispatch of cleaner generating sources in time for compliance in the 2013 ozone season and beyond. EPA is only adjusting the final Oklahoma state budget for the 2012 ozone season.

Background

- On July 6, 2011, EPA finalized the CSAPR. In a separate but related regulatory action, EPA also issued a supplemental notice of proposed rulemaking to require six states – Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin – to make summertime NO_x reductions under the CSAPR ozone season control program.
- The supplemental proposal was open for public review and comment for 45 days after publication in the Federal Register. The public comment period closed on August 22, 2011. No public hearing was requested.
- On October 6, 2011, EPA proposed a routine rulemaking to make certain technical adjustments to the CSAPR to account for updated information the Agency received from stakeholders regarding a small number of units after the CSAPR was finalized. The public comment period for the proposed technical adjustments rule ended on November 28. EPA is reviewing the comments and will issue a final rule as soon as possible.
- The CSAPR replaces the 2005 Clean Air Interstate Rule (CAIR) starting January 1, 2012. EPA issued CAIR on May 12, 2005 and the CAIR federal implementation plans (FIPs) on April 26, 2006. In 2008, the U.S. Court of Appeals for the DC Circuit remanded CAIR to the Agency, leaving existing CAIR programs in place while directing EPA to replace them with a new rule consistent with the Clean Air Act.

Additional Information

- For additional information on this action, please visit EPA's website for the Cross-State Air Pollution Rule at: <http://www.epa.gov/crossstaterule>.