

Extension of Deadline for Action on the Section 126(b) Petition From New York

FACT SHEET

Action

- On May 3, 2018, the Environmental Protection Agency (EPA) extended by 6 months the deadline to respond to a petition submitted by the state of New York under section 126(b) of the Clean Air Act.
- The petition requests that the EPA make a finding that emissions from the collection of identified sources in nine states (Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia) significantly contribute to and interfere with maintenance of the 2008 and 2015 ozone national ambient air quality standards (NAAQS) in New York in violation of the provisions of section 110(a)(2)(D)(i) of the CAA, also known as the “good neighbor” provisions.
- If EPA makes such a finding, the sources must operate in compliance with any emission limits established by EPA.
- EPA has begun to review the petition and supporting technical information provided by New York but will need additional time to complete a more in-depth review, develop a proposed remedy if necessary and provide adequate time for the public to comment prior to issuing the final rule.

Background

- Section 126(b) 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 or interfere with maintenance 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 does not allow the EPA to complete the necessary technical review, develop an adequate proposal, allow time for notice and comment, and hold the required public hearing for any proposal on whether emissions from the collection of sources in the upwind states identified in the petition contribute significantly to nonattainment or maintenance problems of both NAAQS (2008 and 2015 ozone) in New York.
- 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>.