

## Finding of Failure to Submit State Implementation Plans for Interstate Transport for the 2006 NAAQS for Fine Particulate Matter

### Fact Sheet

#### Action

- On May 28, 2010, the U.S. Environmental Protection Agency (EPA) officially notified states and territories that they have failed to meet Clean Air Act deadlines for submitting plans, or elements of plans, known as State Implementation Plans (SIPs), to meet the 2006 24-hour fine particulate (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS). The deadlines are for submitting complete plans; they are not deadlines for meeting the PM<sub>2.5</sub> standard.
- The Clean Air Act requires states to submit SIPs within three years of promulgation of a new or revised NAAQS. In September 2006, EPA revised the 24-hour PM<sub>2.5</sub> primary and secondary NAAQS from 65 micrograms per cubic meter (µg/m<sup>3</sup>) to 35µg/m<sup>3</sup>. By September 21, 2009 States were required to submit SIPs that satisfied two initial Clean Air Act requirements for implementing these standards.
- The CAA provides an important mechanism for addressing the problem of interstate transport of air pollution. The two requirements addressed by today's action describe how states must deal with air pollution that impact other states. First, States must prohibit emissions that contribute significantly to the inability of another state to meet a NAAQS. Second, States must also prohibit emissions that interfere with maintenance of a NAAQS in another State. These requirements apply to all NAAQS pollutants and to all areas of the country regardless of their own attainment designation.
- Today's findings of failure to submit action formally notifies 29 states and territories that they failed to make the required submission addressing interstate transport. The finding starts 29 two year timetables, called clocks, for EPA to issue a final Federal Implementation Plan (FIP) that will address the CAA interstate transport requirements. Each clock will be turned off if and when a state or territory makes the required submission and EPA approves the final SIP. This notice **does not** initiate sanctions.
- In two years, if EPA has not approved a final SIP for a state or territory, then EPA will develop a FIP that will determine what steps must be taken by that state or territory to address interstate transport.
- EPA considers this finding of failure to submit action as an integral step in its overall efforts to address the emissions transport requirements of the Clean Air Act for the 2006 PM<sub>2.5</sub> standards. Over the next few weeks, EPA plans to propose a transport rule that

will include consideration of the 2006 PM<sub>2.5</sub> standards, in addition to addressing concerns raised by the D.C. circuit over EPA's Clean Air Interstate Rule.

### **Status of State Plans**

- The following 29 states and territories failed to submit interstate transport SIPs:
  - Alaska, Colorado, Hawaii, Idaho, Illinois, Iowa, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

### **Background**

- On September 21, 2006, EPA revised its NAAQS for PM<sub>2.5</sub> by significantly strengthening the 24-hour standards from 65µg/m<sup>3</sup> to 35µg/m<sup>3</sup>. Thousands of scientific studies have linked exposure to these tiny particles - approximately 1/30th the size of a human hair - with serious human health problems including premature death in people with heart and lung disease; nonfatal heart attacks; and increased hospital admissions and doctor and emergency room visits for respiratory and cardiovascular disease.
- The requirements pertaining to the interstate transport of air pollution are contained in section 110(a)(2)(D) of the Clean Air Act. In September 2009, EPA provided guidance to states recommending how states could satisfy the interstate transport requirement. Compliance with section 110(a)(2)(D)(i) requires that states address 4 separate elements. Specifically, each State's SIP must contain adequate provisions to prohibit air pollutant emissions from within the State that: (1) significantly contribute to nonattainment of the NAAQS; (2) interfere with maintenance of the NAAQS; (3) interfere with measures required to prevent significant deterioration of air quality; or (4) interfere with measures required to protect visibility in any other State. This findings notice addresses the first two requirements.

### **For More Information**

- Today's final action and other background information are also available either electronically in [www.regulations.gov](http://www.regulations.gov), EPA's electronic public docket and comment system, or in hard copy at EPA's Air and Radiation Docket and Information Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. EPA-HQ-OAR-2010-0409). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.
- For further information concerning this action, contact Gobeail McKinley, of EPA's Office of Air Quality Planning and Standards at (919) 541-5246.