

FACT SHEET
**Revisions to Federal Implementation Plans to Reduce Interstate Transport of
Fine Particulate Matter and Ozone – Final June Revisions Rule**

ACTION

EPA is finalizing a set of revisions to the final Cross-State Air Pollution Rule (CSAPR) that will provide important and consistent technical adjustments to the CSAPR programs in certain states. No changes will be made to the core elements of the program through this action.

These adjustments were originally issued as a direct final rule with parallel proposal (77 FR 10342 and 10350, February 21, 2012) at the same time that EPA finalized additional technical revisions (77 FR 10324, February 21, 2012) to the CSAPR in a separate but related action. EPA received adverse comment during the public comment process regarding this action, so the Agency withdrew the direct final rule on May 10, 2012. Today's final rule includes the same set of revisions and addresses comments received during the public comment process.

CSAPR is a sound, achievable, market-based program that will deliver strong public health protections. The revisions in this final rule will not affect the major air quality improvements slated to occur under CSAPR. While individual state adjustments vary, overall, the total budget increase from this rule remains small—less than one percent—when compared to the millions of tons of pollution reductions secured by CSAPR. CSAPR will significantly reduce the interstate transport of pollution and help downwind states in their efforts to attain and maintain the National Ambient Air Quality Standards (NAAQS).

Although the U.S. District Court of Appeals stayed CSAPR pending judicial review, the Agency believes that it is prudent to move forward with finalizing these corrections so EPA can be prepared to implement CSAPR if the stay is lifted. Finalizing this rule in and of itself does not impose any requirements on regulated units or states.

The final rule revises state budgets for Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, South Carolina, and Texas. This rule also revises new unit set-asides for Arkansas, Louisiana, and Missouri.

STATE BUDGETS AND NEW UNIT SET-ASIDES

The adjustments outlined in this final rule reflect updated information on pollution controls and operational requirements at specific units subject to CSAPR.

The revisions included in this final rule cover changes in the following areas:

- **Increases in state budgets:** Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, South Carolina, and Texas
- **Changes to new unit set-asides:** Arkansas, Louisiana, and Missouri.

BACKGROUND

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 D.C. Circuit remanded CAIR to the Agency, leaving existing CAIR programs in place while directing EPA to replace them as rapidly as possible with a new rule consistent with the Clean Air Act.

CSAPR was proposed July 6, 2010. EPA held three public hearings on the proposed rule during the 60-day comment period. EPA also issued three notices of data availability (NODAs) to provide additional opportunities for public comment on data, modeling, and other key aspects of the rule. The Agency received hundreds of detailed comments from states, environmental and public health groups, industry, and other stakeholders during the comment periods for the proposed rule and NODAs. The final CSAPR was finalized on July 6, 2011.

In a separate but related regulatory action, EPA also issued a supplemental notice of proposed rulemaking on July 6, 2011. The supplemental proposal was open for public review and comment until August 22, 2011. No public hearing was requested. EPA finalized the supplemental rule on December 15, 2011 to include five additional states - Iowa, Michigan, Missouri, Oklahoma, and Wisconsin - in the CSAPR ozone season NO_x program. EPA concluded that these five states plus Kansas significantly contribute to nonattainment and/or interference with maintenance of the 1997 ozone NAAQS in other states.

In order to make technical adjustments to CSAPR based on new information, EPA proposed a revisions rule on October 6, 2011. The public comment period ended on November 28, 2011 and a public hearing was held in Washington, DC on October 28, 2011. EPA finalized the revisions rule on February 7, 2011.

CSAPR was scheduled to replace CAIR starting January 1, 2012. However, on December 30, 2011, the U.S. Court of Appeals for the D.C. Circuit issued a ruling to stay the CSAPR pending judicial review. While this decision delays implementation of CSAPR and the significant public health benefits associated with the rule, it also leaves CAIR in place while the court considers the merits of the challenges to CSAPR. On April 13, 2012, a panel of the U.S. Court of Appeals for the D.C. Circuit heard oral argument on the consolidated challenges to CSAPR. EPA anticipates a ruling from the court sometime this summer.

FOR MORE INFORMATION

To see the final rule, including technical supporting documents, go to www.epa.gov/crosstaterule.

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