

Fact Sheet

Proposed Response to Clean Air Act Section 176A Petition from the State of Maine

Action:

- On January 11, 2021, the U.S. Environmental Protection Agency (EPA) proposed to approve a petition from the state of Maine requesting to remove a portion of the state from the Ozone Transport Region (OTR). The petition was submitted consistent with the requirements of section 176A(a) of the Clean Air Act (CAA).
- In its February, 2020 petition, the State of Maine requested that EPA remove the state, except for 111 towns and cities comprising the Androscoggin Valley, Down East, and Metropolitan Portland Air Quality Control Regions, commonly referred to as the “Portland and Midcoast Ozone Areas”, from the OTR. Maine based its petition on the area’s continued attainment with ozone National Ambient Air Quality Standards (NAAQS) and technical analyses demonstrating that the control of emissions from the state do not significantly contribute to ozone attainment in any area in the OTR.
- EPA proposes to find that additional OTR controls under CAA section 184(b) for the portion of the state that Maine is proposing to remove from the OTR will not significantly contribute to attainment of any ozone NAAQS in any area of the current OTR. In support of this conclusion, EPA finds that removing the requested areas from the OTR will not result in emissions changes that would significantly contribute to nonattainment or interfere with maintenance of any ozone NAAQS in any area of the current OTR.

Background:

- Section 176A(a) of the CAA provides the EPA Administrator with the authority to develop interstate transport regions for particular pollutants where the Administrator determines that interstate transport of air pollutants from one or more states contributes significantly to violations of air quality standards in other states.
- In the 1990 CAA Amendments, Congress created the OTR by statute under section 184(a) to address the interstate transport of ozone pollution in the Northeast and Mid-Atlantic regions of the United States. The OTR includes the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, the District of Columbia, and portions of northern Virginia.
- The creation of an interstate transport region requires establishing a transport commission with representatives from each state who make recommendations to mitigate interstate pollution. Model rules and programs designed through the OTC (Ozone Transport Commission) may be adopted by the individual states through their own rulemaking processes. Under Section 184(c),

the OTC may petition the EPA to approve additional control measures to be applied within all or part of the transport region.

- 176A(a)(2) of the CAA provides the Administrator with the authority to remove any state or portion of a state from a transport region whenever there is reason to believe that the control of emissions in that state or portion of the state will not significantly contribute to the attainment of the standard in any area in the region.

How to Comment:

- EPA will accept comment on the proposal for 30 days after publication in the *Federal Register*.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2020-0310, may be submitted by one of the following methods:
 - Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments.
 - Send comments by email to a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2020-0310.
- Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

For More Information:

- Interested parties can download a copy of the proposed rule notice from EPA's Web site at the following address: <https://www.epa.gov/ground-level-ozone-pollution/ozone-national-ambient-air-quality-standards-section-176-petitions>.
- This proposed action and other background information are also available electronically at <https://www.regulations.gov/>, EPA's electronic public docket and comment system. It can be accessed using Docket ID No. EPA-HQ-OAR-2020-0310.
- For further technical information about the proposed rule, contact Holly DeJong, EPA's Office of Air Quality Planning and Standards, at dejong.holly@epa.gov.