

March 27, 2003

PROPOSED REVISIONS TO OZONE TRANSPORT RULE

FACT SHEET

TODAY'S ACTION

- Today, the Environmental Protection Agency (EPA) is proposing to revise a provision in one of its ozone transport rules known as the Section 126 Rule. The provision allows the rule to be withdrawn in states that control transport under another ozone transport rule known as the Nitrogen Oxides State Implementation Plan Call (NOx SIP Call).
- The Section 126 Rule overlaps considerably with the NOx SIP Call. To control significant transport of NOx and ozone affecting downwind states, the Section 126 Rule and the NOx SIP Call both require NOx reductions in states in the eastern half of the U.S. Nitrogen oxides are one of the main ingredients that form ground-level ozone pollution. The Section 126 Rule establishes federal requirements to reduce emissions of NOx from electric generating facilities and other sources including chemical plants and paper mills. The NOx SIP Call requires states to submit plans known as state implementation plans showing how the state will reduce emissions of NOx.
- Originally, EPA harmonized the Section 126 Rule with the NOx SIP Call by establishing the same compliance date for both rules, May 1, 2003. When a state submitted, and EPA approved, a NOx SIP fully meeting the requirements of the NOx SIP Call, the Section 126 Rule for facilities in that state would be automatically withdrawn. This was a practical way to address the overlap between the actions required under the NOx SIP Call and under the Section 126 Rule.
- Both the NOx SIP Call and the Section 126 Rule were challenged in court. As a result of court actions, the compliance deadlines for the NOx SIP Call and the Section 126 Rule have been delayed from May 1, 2003 until May 31, 2004 and the SIP Call has been divided into 2 phases. In response to these changes, EPA is proposing to revise the Section 126 Rule withdrawal provisions so that it will operate as intended under the new circumstances.

BACKGROUND

- NOx emissions from facilities in upwind states can contribute to ground-level ozone pollution (smog) downwind. When inhaled – even at very low levels – ground-level ozone can cause acute respiratory problems, aggravate asthma, reduce lung capacity, inflame lung tissue, and impair the body's immune system.

- The original NOx SIP Call Rule required 22 states and the District of Columbia to reduce NOx emissions.
- EPA promulgated the Section 126 Rule in response to petitions filed under Section 126 of the Clean Air Act by four Northeastern States: Connecticut, Massachusetts, New York, and Pennsylvania. The rule affects large electric generating units and large industrial boilers and turbines in 12 states and the District of Columbia.
- All of the facilities affected by the Section 126 Rule are located in states that are also covered by the NOx SIP Call.
- The NOx SIP Call and the Section 126 Rule will help states meet the 1-hour and eventually the 8-hour ozone standards, improving air quality for more than 100 million people - including people in downwind states, and the states where industrial facilities are reducing emissions.

FOR MORE INFORMATION

- To download the text of the proposed rule, go to EPA's World Wide Web site at the following addresses: <http://www.epa.gov/ttn/naaqs/ozone/rto/126/index.html>, or <http://www.epa.gov/ttn/oarpg/>.
- For general information on this action, contact Carla Oldham of EPA's Office of Air Quality Planning and Standards at (919) 541-3347.