



Section 126(b) Petition on Interstate Pollution Transport

The following is the content of a letter and associated attachments sent to the Administrator at the USEPA, Scott Pruitt. The letter was signed on March 12, 2018 by Basil Seggos, Commissioner.

The New York State Department of Environmental Conservation (DEC) is submitting the enclosed petition pursuant to section 126(b) of the Clean Air Act (CAA) because pollution from upwind sources significantly contributes to nonattainment and interferes with maintenance of the ozone National Ambient Air Quality Standards (NAAQS) in New York State. The New York-Northern New Jersey-Long Island, NY-NJ-CT area remains in nonattainment of the 2008 ozone NAAQS and is expected to be similarly designated for the 2015 ozone NAAQS; meanwhile, Chautauqua and Erie Counties in western New York are on the cusp of exceeding the 2015 NAAQS. Approval of this section 126(b) petition by the U.S. Environmental Protection Agency (EPA) would benefit the health and welfare of the millions of people that live and work in these areas.

DEC performed a modeling analysis that identified certain high-emitting stationary sources (i.e., sources that were projected to emit at least 400 tons of nitrogen oxides (NO_x) in 2017 from the following nine states that significantly contribute to nonattainment or interfere with maintenance in New York State: Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia. In accordance with CAA section 126(b), DEC requests that EPA make a finding that these sources are in violation of the "good neighbor" provision of CAA section 110(a)(2)(D)(i) and that EPA establish adequate emission limits to eliminate the significant contribution from these sources to nonattainment and interference with maintenance in New York State.

New York requires its stationary sources to meet high standards of NO_x control through the application of stringent Reasonably Available Control Technology emission limits. Requiring the same of upwind sources that significantly contribute to nonattainment and interfere with maintenance in New York State will provide ample public health benefits and reduce the disproportionate economic burden to NO_x sources in New York State.

In accordance with EPA's endorsement of CAA section 126(b) as an effective pathway for limiting upwind states' ozone contributions in its November 3, 2017 denial of the multi-state CAA section 176A petition, DEC requests a timely approval of this petition.

Please contact Mr. Steven Flint, Director, Division of Air Resources, at (518) 402-8452 if you have any questions.

[Section 126\(b\) Petition on Interstate Pollution Transport \(PDF\)](#) (2 MB, 56 pgs)