

## Proposed “Good Neighbor” Action Addressing Interstate Transport Obligations for the 2015 Ozone National Ambient Air Quality Standards in Five States

### FACT SHEET

#### ACTION

- On January 16, 2024, the U.S. Environmental Protection Agency (EPA) took steps to protect air quality in communities affected by harmful ground-level ozone pollution by proposing to determine whether state air quality plan submissions meet Clean Air Act obligations to address emissions that contribute to unhealthy ozone levels downwind.
- EPA is proposing to partially approve and partially disapprove state implementation plan (SIP) submissions addressing interstate transport for the 2015 ozone National Ambient Air Quality Standards (NAAQS) from Arizona, Iowa, Kansas, New Mexico, and Tennessee.
- In addition, EPA is proposing Federal Implementation Plans (FIPs) which would include these states in the Good Neighbor Plan for the 2015 ozone NAAQS. The FIPs would require fossil fuel-fired power plants in these five states to participate in an allowance-based ozone season nitrogen oxides (NO<sub>x</sub>) emissions trading program beginning in 2025.
- Consistent with states already included in the Good Neighbor Plan with persistent linkages to other states, EPA also is proposing to establish NO<sub>x</sub> emissions limits in Arizona for the following industrial sources, beginning in 2027:
  - reciprocating internal combustion engines in **Pipeline Transportation of Natural Gas**;
  - kilns in **Cement and Cement Product Manufacturing**;
  - reheat furnaces in **Iron and Steel Mills and Ferroalloy Manufacturing**;
  - furnaces in **Glass and Glass Product Manufacturing**;
  - boilers in **Iron and Steel Mills and Ferroalloy Manufacturing, Metal Ore Mining, Basic Chemical Manufacturing, Petroleum and Coal Products Manufacturing, and Pulp, Paper, and Paperboard Mills**; and
  - combustors and incinerators in **Solid Waste Combustors or Incinerators**.
- EPA’s proposed SIP action is based on an assessment of the information and analyses provided by states in their individual SIP submissions, EPA’s most recent nationwide air quality analysis projecting ozone air quality and contributions in 2023 and 2026, and recent air quality monitoring data.
- Final disapproval of these “Good Neighbor” or “interstate transport” SIP submissions establishes a 2-year deadline for EPA to promulgate FIPs for the affected states to address interstate transport of ozone, unless a state first submits and EPA approves a Good Neighbor SIP.

- States may choose to submit a revised state implementation plan at any time for EPA review, even after a FIP has been established for the state.
- This action does not start a mandatory sanctions clock.

## **BACKGROUND**

- On October 1, 2015, EPA promulgated a new 8-hour ozone NAAQS of 70 parts per billion (ppb), which is met at an ambient air quality monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour concentration does not exceed 70 ppb.
- Within 3 years of the promulgation of a new or revised NAAQS, the CAA requires all states to develop and send to EPA for review SIP submissions containing adequate provisions prohibiting significant contribution to nonattainment or interference with maintenance of the NAAQS in other states. For the 2015 ozone NAAQS, these SIP submissions were due to EPA by October 1, 2018. EPA received SIP submissions from 49 states and Washington, D.C. To date, EPA has fully approved 25, fully disapproved 19, and partially approved and partially disapproved 2.
- On March 15, 2023, EPA issued an action promulgating FIPs for 23 states regarding these obligations – the Good Neighbor Plan. As signed, it requires those states to reduce pollution that significantly contributes to problems attaining and maintaining the 2015 ozone NAAQS in downwind states. In response to judicial orders partially staying a separate EPA action (the SIP Disapproval action) for certain states, EPA has stayed the Good Neighbor Plan on an interim basis for those states and has preserved status quo regulatory requirements. At present, the Good Neighbor Plan’s requirements are in effect as to facilities in California, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin.
- This rule proposes action for several states that were not covered by the SIP Disapproval Action or the Good Neighbor Plan. In the earlier actions, EPA indicated its intent to take subsequent action to address remaining interstate transport obligations for the 2015 ozone NAAQS for these states. This action addresses that commitment.

## **HOW TO COMMENT**

- EPA will accept comment on this proposed action for 45 days after publication in the *Federal Register*.

- To provide interested parties the opportunity to present data, views or arguments concerning this proposed action, EPA also plans to hold a virtual public hearing. Learn more about the hearing and how to register to speak at: <https://www.epa.gov/csapr/csapr-2015-ozone-naaqs>.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2023-0402, 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](mailto:a-and-r-docket@epa.gov), Attention Docket ID No. E, with Attention Docket ID No. EPA-HQ-OAR-2023-0402 in the subject line of the message.
  - 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 their current status, please visit us online at <https://www.epa.gov/dockets>.

### **FOR MORE INFORMATION**

- To download this proposed rule from EPA's website, go to: <https://www.epa.gov/csapr/csapr-2015-ozone-naaqs>. The official version of this proposed rule will be published in the *Federal Register*.
- Today's proposed rule and other background information are also available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room (Docket ID EPA-HQ-OAR-2023-0402).
- The Public Reading Room is located in EPA Headquarters, Room Number 3334 in the William Jefferson Clinton West Building, located at 1301 Constitution Avenue, NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
- Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an x-ray machine as well. Visitors will be provided a badge that must be visible at all times.
- For further information about this action, contact Mr. Thomas Uher of EPA's Office of Air Quality Planning and Standards at (919) 541-0906 or by email at [uher.thomas@epa.gov](mailto:uher.thomas@epa.gov).