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MARYLAND PETITIONS EPA TO REDUCE AIR POLLUTION FROM UPWIND STATES

Most of Maryland's air pollution comes from other states; Maryland acts to protect public health, level regulatory playing field to benefit the state's businesses

BALTIMORE (Nov. 16, 2016) – Maryland today filed a petition with federal regulators to require power plants in five upwind states to reduce pollution that significantly affects the quality of the air that Marylanders breathe.

The [petition](#), filed by the Maryland Department of the Environment under Section 126 of the federal Clean Air Act, asks that the U.S. Environmental Protection Agency require 36 power plant units in the upwind states (Indiana, Kentucky, Ohio, Pennsylvania and West Virginia) to run their air pollution controls to reduce emissions. The petition includes data that shows that these power plants have stopped running their pollution controls effectively. A requirement to run those controls throughout the summer “ozone season” is identical to what Maryland’s largest coal-fired power plants must do under regulations implemented last year by the Hogan Administration.

Research shows those 36 out-of-state power plant units emit pollution that contributes at times to poor air quality in Maryland, the petition states. Though Maryland has made dramatic progress on air quality in recent years, emissions from out-of-state sources could prevent Maryland from attaining and maintaining federal health-based air quality standards.

“Maryland has been working with upwind states to reduce the smog that comes from their smokestacks and is breathed in by Marylanders, but we now need the EPA to step in,” said Maryland Secretary of the Environment Ben Grumbles. “We’re not asking for anything that we’re not already doing in Maryland. This common-sense approach – running the pollution controls that are already installed but are not always being used in out-of-state power plants – is the single biggest step we can take to protect our citizens’ lungs and health and level the regulatory playing field for our businesses.”

“Ozone transport”

Ground-level ozone, or smog, has been one of Maryland’s most pervasive and challenging air pollution problems. About 70 percent of Maryland’s ozone problem originates from emissions in upwind states. Parts of

some downwind states, including Maryland, would remain in violation of federal air quality standards even if they eliminated all of the pollution generated within their borders.

For the past three years, Maryland has been working in partnership with about 25 other eastern and Midwestern states to solve this problem. This State Collaborative on Ozone Transport (SCOOT) effort has focused on ensuring that large coal-fired power plants that have purchased pollution controls run those controls when ozone is a problem. Under current laws, many power plants in upwind states can operate without the controls running and nonetheless comply with their long-term pollution limits.

Last year, environmental officials from SCOOT states asked power plants in their states to increase the use of their controls for nitrogen oxides (NOx), which help to form ozone. This voluntary approach did not work.

Other legal steps have been taken to reduce ozone transport. Maryland has also joined other states in petitioning EPA to add nine upwind states to the Ozone Transport Region. If added to the Ozone Transport Region, those states would be required to take additional steps to reduce air pollution that has been found to significantly affect downwind states.

Maryland works to reduce in-state pollution

Meanwhile, Maryland addressed this problem by implementing regulations that require the state's largest coal-fired power plants to optimize their air pollution controls to minimize NOx emissions during the summer ozone season. That requirement went into effect in 2015. The regulations also include requirements for longer-term reductions of pollution from power plants.

Maryland's air quality has improved significantly in recent years. Reductions in emissions from utilities, motor vehicles and others sources as diverse as manufacturing and consumer products have reduced the number of days on which Marylanders breathe poor air. Maryland is very close to meeting all federal air quality standards. The state is also close to meeting a more stringent ozone standard established last year. Reduced emissions from upwind states could determine whether Maryland remains in compliance with the prior ozone standard and whether the state meets the newer, more stringent standard.

Clean air is good for Maryland's economy and Marylanders' health

Ground level or "bad" ozone is created when two types of air pollutants – nitrogen oxides (NOx) and volatile organic compounds (VOC) – react in the presence of sunlight and warm temperatures. These air pollutants are generated from industrial facilities and electric power plants, motor vehicle exhaust and gasoline vapors.

The Maryland Healthy Air Act requires the State's largest coal-burning power plants to reduce emissions of NOx (the principal contributor to Maryland's ozone problem and a source of nitrogen pollution to the Chesapeake Bay and local waterways), sulfur dioxide (the principal contributor to fine particulate pollution in Maryland) and mercury, a toxic metal. To meet the requirements of the Healthy Air Act, Maryland utilities have invested approximately \$2.6 billion in such pollution controls as state-of-the-art "scrubbers" that remove sulfur from coal-burning gases and technology that removes NOx from smokestacks.

In recent years, Maryland has been required to find deeper in-state emissions reductions to compensate for the pollution that comes from other states – placing a regulatory burden on Maryland's business community, including small businesses.

Unhealthy levels of ozone can irritate the respiratory system — causing coughing, throat irritation and chest pains and aggravating asthma and other chronic lung diseases. Ozone and other air pollutants have also been linked to premature death.

The Section 126 petition

Section 126 of the federal Clean Air Act gives a state the authority to ask EPA to find that specific sources of air pollution in other states are significantly contributing to non-attainment or interfering with maintenance of federal air quality standards in the petitioning state. The Clean Air Act allows 60 days for EPA to respond to these types of petitions.

Maryland's Section 126 petition asks EPA to set emissions limits for a total of 36 power plant units in Indiana, Kentucky, Ohio, Pennsylvania and West Virginia by requiring that pollution controls already in place are run effectively starting May 2017. Environmental officials in upwind states have acknowledged that they lack the regulatory authority to require additional use of pollution controls installed at power plants. The petition states that Maryland's evaluation, using best practices and all available EPA guidance, shows that those power plants are causing and significantly contributing to exceedances of air quality standards in Maryland.

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