

# MIDWEST OZONE GROUP

## FUTURE OUTLOOK ON IMPLEMENTATION OF GOOD NEIGHBOR PROVISIONS OF CLEAN AIR ACT

MAY 29, 2020

This document<sup>1</sup> is provided by the Midwest Ozone Group (MOG)<sup>2</sup> to offer an update on the various efforts that are being undertaken to develop approvable Good Neighbor SIPs by states in accordance with USEPA's 4 Step process for addressing Good Neighbor requirements of Section 110(a)(2)(d) of the federal Clean Air Act. For each step, the status of complying states is listed along with the illustrations of the capabilities of advanced analytics and modeling that states and USEPA can rely upon to make decisions in the future about air quality issues.

While much of MOG's efforts have focused on the eastern portion of the nation, many of these developments are applicable nation-wide.

### I. Introduction.

- There are three mechanisms available to address Good Neighbor requirements under the federal Clean Air Act:
  1. Transport rules,
  2. Good Neighbor Plans, and
  3. 126 petitions.

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<sup>1</sup> Comments or questions about this document should be directed to David M. Flannery, Kathy G. Beckett, or Edward L. Kropp, Legal Counsel, Midwest Ozone Group, Steptoe & Johnson PLLC, 707 Virginia Street East, Charleston West Virginia 25301; 304-353-8000; [dave.flannery@steptoe-johnson.com](mailto:dave.flannery@steptoe-johnson.com); [kathy.beckett@steptoe-johnson.com](mailto:kathy.beckett@steptoe-johnson.com); and [skipp.kropp@steptoe-johnson.com](mailto:skipp.kropp@steptoe-johnson.com), respectively. The Midwest Ozone Group believes that informed public policy development and decisions should be based on advanced technical and legal analysis. This document was prepared with the technical assistance of Alpine Geophysics, LLC.

<sup>2</sup> The members of and participants in the Midwest Ozone Group include: American Electric Power, American Forest & Paper Association, American Wood Council, Ameren, Alcoa, Appalachian Region Independent Power Producers Association (ARIPPA), ArcelorMittal, Associated Electric Cooperative, Big Rivers Electric Corp., Citizens Energy Group, Council of Industrial Boiler Owners (CIBO), Duke Energy, East Kentucky Power Cooperative, ExxonMobil, FirstEnergy, Indiana Energy Association, Indiana Utility Group, LGE / KU, Marathon Petroleum, National Lime Association, Ohio Utility Group, Olympus Power, and City Water, Light and Power (Springfield IL).

- Transport rules (e.g. CSAPR Update and CSAPR Close-Out) have been promulgated by USEPA to address only 2008 the National Ambient Air Quality Standard (NAAQS) for ozone using EPA’s Four–Step process and a significance level of 1% of the NAAQS. Recent Court decisions remanded the CSAPR Update Rule to EPA and vacated the CSAPR Close-Out Rule. USEPA has not pursued the transport rule mechanism to address the 2015 ozone NAAQS. EPA has offered the following explanation of how it has addressed the Wisconsin decision when addressing 2015 ozone NAAQS Good Neighbor SIPs:

While the EPA recognizes, as the court held in *North Carolina* and *Wisconsin*, that upwind emissions-reduction obligations therefore must generally be aligned with downwind receptors' attainment dates, unique features of the statutory requirements associated with the Marginal area planning requirements and attainment date under CAA section 182 lead the EPA to conclude that it is more reasonable and appropriate to require the alignment of upwind good neighbor obligations with later attainment dates applicable for Moderate or higher classifications. Under the Clean Air Act, states with areas designated nonattainment are generally required to submit, as part of their SIP, an “attainment demonstration” that shows, usually through air quality modeling, how an area will attain the NAAQS by the applicable attainment date. *See* CAA section 172(c)(1). Such plans must also include, among other things, the adoption of all “reasonably available” control measures on existing sources, a demonstration of “reasonable further progress” toward attainment, and contingency measures, which are specific controls that will take effect if the area fails to attain by its attainment date or fails to make reasonable further progress toward attainment. *See, e.g.,* CAA section 172(c)(1); 172(c)(2); 172(c)(9). Ozone nonattainment areas classified as Marginal are excepted from these general requirements under the CAA—unlike other areas designated nonattainment under the Act (including for other NAAQS pollutants), Marginal ozone nonattainment areas are specifically exempted from submitting an attainment

demonstration and are not required to implement *any* specific emissions controls at existing sources in order to meet the planning requirements applicable to such areas. *See* CAA section 182(a) (“The requirements of this subsection shall apply in lieu of any requirement that the State submit a demonstration that the applicable implementation plan provides for attainment of the ozone standard by the applicable attainment date in any Marginal Area.”) Marginal ozone nonattainment areas are also exempted from demonstrating reasonable further progress towards attainment and submitting contingency measures. *See* CAA section 182(a) (does not include a reasonable further progress requirement and specifically notes that “Section [172(c)(9)] of this title (relating to contingency measures) shall not apply to Marginal Areas”). 85 Federal Register 3877 (January 23, 2020).

- Good Neighbor SIPs are being advanced by most states as a means of addressing Good Neighbor requirements of the Clean Air Act. This document will focus largely on those efforts and the guidance that has been issued by EPA to address the development of those plans.
- EPA has taken final action finding that seven states have failed to submit Good Neighbor SIPs.<sup>3</sup> The states involved are:

Maine  
New Mexico  
Pennsylvania  
Rhode Island  
South Dakota  
Utah  
Virginia

- Section 126 of the Clean Air Act also provides a mechanism for a downwind state to petition EPA to address Good Neighbor obligations of upwind states. It is understood, however, that approval of an upwind state’s Good Neighbor SIP

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<sup>3</sup> <https://www.federalregister.gov/documents/2019/12/05/2019-26136/findings-of-failure-to-submit-a-clean-air-act-section-110-state-implementation-plan-for-interstate>

has the legal effect of resolving issues that could otherwise be raised in 126 petitions.

- EPA has established a Four Step process for address responsibilities under the Good Neighbor provisions of the Clean Air Act. These steps include:

Step 1 - Identify downwind receptors that are expected to have a problem attaining or maintaining the NAAQS.

Step 2 - Determine which states are linked to the air quality problem.

Step 3 - Determine whether those states have sources that are significant contributors to the problem such that emissions from those sources must be reduced.

Step 4 - Implement necessary emissions reductions on sources in states that are a significant contributor to a downwind receptor state.

## Step 1 - Identify downwind receptors that are expected to have problems attaining or maintaining the NAAQS.

- EPA’s 12 km modeling data published on March 27, 2018 provides a database upon which EPA is prepared to approve Good Neighbor SIPs.<sup>4</sup> That data identifies 11 potential nonattainment and 14 potential maintenance areas outside of California using its “No Water” data set.
- EPA March 27, 2018 memorandum authorizes alternative modeling platforms to identify problem monitors related to 2015 ozone NAAQS.<sup>5</sup> Significantly, EPA has stated that it has not made any final determinations regarding how states should identify downwind receptors with respect to the 2015 ozone NAAQS at Step 1. EPA states that it is allowing states to follow a different approach if technically justified.<sup>6</sup> This flexibility supports seeking improved accuracy of the modeling results when smaller geographic areas are used to minimize the inclusion of water cells.
- Several 2015 ozone NAAQS Good Neighbor SIPs have been approved or proposed for approval by EPA without reliance on any of the authorized flexibilities. These include:

Southeast states (proposed 12/30/19)<sup>7</sup>

- Alabama
- Georgia
- Florida
- North Carolina
- South Carolina
- Tennessee

Colorado (final 4/10/20)<sup>8</sup>

Delaware (final 5/1/20)<sup>9</sup>

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4 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

5 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

6 <https://www.federalregister.gov/documents/2020/04/01/2020-06659/air-plan-approval-vermont-infrastructure-state-implementation-plan-requirements-for-the-2015-ozone>

7 [http://www.midwestozonegroup.com/files/MOG\\_Comments\\_on\\_Proposed\\_SE\\_States\\_SIP\\_Approval.pdf](http://www.midwestozonegroup.com/files/MOG_Comments_on_Proposed_SE_States_SIP_Approval.pdf)

8 <https://www.federalregister.gov/documents/2020/04/10/2020-06685/approval-and-promulgation-of-state-implementation-plan-revisions-infrastructure-requirements-for-the>

9 <https://www.federalregister.gov/documents/2020/05/01/2020-08241/approval-and->

District of Columbia (final 1/31/20)<sup>10</sup>  
Idaho (proposed 1/23/20)<sup>11</sup>  
Massachusetts (final 1/31/20)<sup>12</sup>  
North Dakota (final 4/10/20)<sup>13</sup>  
Nebraska (final 4/17/2020)<sup>14</sup>  
Oregon (final 5/17/19)<sup>15</sup>  
Vermont (proposed 4/1/20)<sup>16</sup>  
Washington (final 9/20/18)<sup>17</sup>

- LADCO has offered alternative modeling data that is similar to EPA’s data except that it relies on outdated ERTAC data to estimate EGU emissions.<sup>18</sup> It also includes data for geographic water areas that have no emission sources.
- LADCO “Water” data was relied upon by at least the following states in the development of their Good Neighbor SIP’s”

Indiana<sup>19</sup>  
Illinois<sup>20</sup>  
Minnesota<sup>21</sup>

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[promulgation-of-air-quality-implementation-plans-delaware-infrastructure-requirements](#)

<sup>10</sup> <https://www.federalregister.gov/documents/2020/01/31/2020-00885/approval-and-promulgation-of-air-quality-implementation-plans-district-of-columbia-infrastructure>

<sup>11</sup> <https://www.federalregister.gov/documents/2020/01/23/2020-00888/air-plan-approval-id-2015-ozone-naaqs-interstate-transport-requirements>

<sup>12</sup> <https://www.federalregister.gov/documents/2020/01/31/2020-01113/air-plan-approval-massachusetts-transport-state-implementation-plan-for-the-2015-ozone-standard>

<sup>13</sup> <https://www.federalregister.gov/documents/2020/04/10/2020-06685/approval-and-promulgation-of-state-implementation-plan-revisions-infrastructure-requirements-for-the>

<sup>14</sup> <https://www.federalregister.gov/documents/2020/04/17/2020-07477/air-plan-approval-nebraska-infrastructure-sip-requirements-for-the-2015-ozone-national-ambient-air>

<sup>15</sup> <https://www.federalregister.gov/documents/2019/05/17/2019-10186/air-plan-approval-or-2015-ozone-naaqs-interstate-transport-requirements>

<sup>16</sup> <https://www.federalregister.gov/documents/2020/04/01/2020-06659/air-plan-approval-vermont-infrastructure-state-implementation-plan-requirements-for-the-2015-ozone>

<sup>17</sup> <https://www.federalregister.gov/documents/2018/09/20/2018-20389/air-plan-approval-washington-interstate-transport-requirements-for-the-2015-ozone-naaqs>

<sup>18</sup> [https://www.ladco.org/wp-content/uploads/Documents/Reports/TSDs/O3/LADCO\\_2015O3iSIP\\_TSD\\_13Aug2018.pdf](https://www.ladco.org/wp-content/uploads/Documents/Reports/TSDs/O3/LADCO_2015O3iSIP_TSD_13Aug2018.pdf)

<sup>19</sup> [http://www.midwestozonegroup.com/files/Indiana\\_Final\\_GNS.pdf](http://www.midwestozonegroup.com/files/Indiana_Final_GNS.pdf)

<sup>20</sup> [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)

## Ohio<sup>22</sup>

- The Midwest Ozone Group has offered a more refined 4 km version of the EPA's modeling data that shows no nonattainment areas in the Northeast related to the 2015 ozone NAAQS.<sup>23</sup>
- The MOG 4 km modeling has been relied upon by the following states in support of their Good Neighbor SIPs:

Arkansas<sup>24</sup>

West Virginia<sup>25</sup>

Indiana<sup>26</sup>

Illinois<sup>27</sup>

Ohio<sup>28</sup>

- EPA previously relied on 4 km modeling to approve the Wyoming Good Neighbor SIP related to the 2008 ozone NAAQS.<sup>29</sup>
- Texas has developed alternative modeling using a 2012 base case and has concluded that emissions from Texas do not significantly contribute to nonattainment or interfere with maintenance of the 2015 ozone NAAQS in another state.<sup>30</sup>
- On October 19, 2018, EPA offered an additional flexibility related to determining what constitutes a maintenance monitor.<sup>31</sup>
- The Midwest Ozone Group has offered a technical support document that

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21 <https://www.pca.state.mn.us/sites/default/files/Proposed%20Infrastructure%20SIP%20revision%20for%20the%202015%20ozone%20NAAQS.pdf>

22 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)

23 [http://www.midwestozonegroup.com/files/Final\\_TSD\\_-\\_Ozone\\_4kei\\_Modeling\\_Supporting\\_GN\\_SIP\\_Obligations.pdf](http://www.midwestozonegroup.com/files/Final_TSD_-_Ozone_4kei_Modeling_Supporting_GN_SIP_Obligations.pdf)

24 <https://www.adeg.state.ar.us/air/planning/sip/pdfs/2015/final-2015-ozone-naaqs-infrastructure-and-transport-sip.pdf>

25 [http://www.midwestozonegroup.com/files/WV\\_2015\\_O3\\_Transport\\_SIP\\_Final\\_with\\_response\\_to\\_comments.pdf](http://www.midwestozonegroup.com/files/WV_2015_O3_Transport_SIP_Final_with_response_to_comments.pdf)

26 [http://www.midwestozonegroup.com/files/Indiana\\_Final\\_GNS.pdf](http://www.midwestozonegroup.com/files/Indiana_Final_GNS.pdf)

27 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)

28 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)

29 <https://www.regulations.gov/document?D=EPA-R08-OAR-2018-0723-0001>

30 <https://protect-us.mimecast.com/s/fhMbC829VDIOBY8Yun2wmy?domain=tceq.texas.gov>

31 [http://www.midwestozonegroup.com/files/EPA\\_maintenance\\_flexibility\\_Oct\\_19\\_2018.pdf](http://www.midwestozonegroup.com/files/EPA_maintenance_flexibility_Oct_19_2018.pdf)

demonstrates that when EPA maintenance guidance is applied, there are no remaining maintenance monitors in the East.<sup>32</sup> The need for maintenance flexibility guidance has been cited by the following states:

Illinois<sup>33</sup>

Ohio<sup>34</sup>

Missouri<sup>35</sup>

- While no specific guidance has yet been issued by EPA on addressing international emissions in the development of Good Neighbor SIPs, EPA’s March 27, 2018 memorandum recognizes the failure of a downwind state not to recognize the influence of international emissions in its nonattainment of NAAQS as a legitimate factor to be addressed by upwind states in the development of Good Neighbor SIPs.<sup>36</sup>
- EPA’s March 2018 memorandum<sup>37</sup> points out a Good Neighbor SIP flexibility available to upwind states in those cases where downwind states have not taken advantage of relief from regulatory requirements that is available under the Clean Air Act such as is the case with 319B exceptional events and 179B international transport. EPA has, however, not yet issued guidance specifying how upwind states should incorporate the failure of a downwind state to seek such relief into the development of a Good Neighbor SIP plan of an upwind state.
- EPA’s March 2018 memorandum<sup>38</sup> also points out a Good Neighbor SIP flexibility available to upwind states that involves assessing “current and projected local emissions reductions” in downwind states.
- A presentation by EPA’s Norm Possiel notes that remaining air quality issues in the Northeast are related to local sources.<sup>39</sup> That can be addressed through current and future local actions.

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32 [http://www.midwestozonegroup.com/files/Maintenance\\_Monitor\\_Flexibility\\_Dec\\_2018\\_.pdf](http://www.midwestozonegroup.com/files/Maintenance_Monitor_Flexibility_Dec_2018_.pdf)

33 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)

34 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)

35 [http://midwestozonegroup.com/files/Missouri\\_Good\\_Neighbor\\_SIP\\_6.10.19.pdf](http://midwestozonegroup.com/files/Missouri_Good_Neighbor_SIP_6.10.19.pdf)

36 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

37 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

38 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

39 [http://www.midwestozonegroup.com/files/2018-05-14\\_EPA\\_OAQPS\\_-\\_Analysis\\_of\\_O3\\_Trends\\_in\\_the\\_East\\_in\\_Relation\\_to\\_Interstate\\_Transport.pdf](http://www.midwestozonegroup.com/files/2018-05-14_EPA_OAQPS_-_Analysis_of_O3_Trends_in_the_East_in_Relation_to_Interstate_Transport.pdf)

- States which have noted that any remaining problem monitors in the Northeast appear to be related to local sources<sup>40</sup> include:

Indiana<sup>41</sup>

Illinois<sup>42</sup>

Ohio<sup>43</sup>

- EPA's Cleaner Trucks Initiative offers promise for significantly reducing mobile source emissions and improving ozone air quality in areas with problem monitors.<sup>44</sup>
- It is becoming increasingly apparent that the ERTAC EGU emission inventory used by several states to develop modeling in support of their Good Neighbor SIP submittals significantly overstates emission for that source category in several states. States relying on this emission inventory include at least:

Indiana<sup>45</sup>

Illinois<sup>46</sup>

Ohio<sup>47</sup>

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40 [http://www.midwestozonegroup.com/files/2018-05-14\\_EPA\\_OAQPS\\_-\\_Analysis\\_of\\_O3\\_Trends\\_in\\_the\\_East\\_in\\_Relation\\_to\\_Interstate\\_Transport.pdf](http://www.midwestozonegroup.com/files/2018-05-14_EPA_OAQPS_-_Analysis_of_O3_Trends_in_the_East_in_Relation_to_Interstate_Transport.pdf)

41 [http://www.midwestozonegroup.com/files/Indiana\\_Final\\_GNS.pdf](http://www.midwestozonegroup.com/files/Indiana_Final_GNS.pdf)

42 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf) (See page 4 of Response to Comments)

43 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)

44 <https://www.federalregister.gov/documents/2020/01/21/2020-00542/control-of-air-pollution-from-new-motor-vehicles-heavy-duty-engine-standards>

45 [http://www.midwestozonegroup.com/files/Indiana\\_Final\\_GNS.pdf](http://www.midwestozonegroup.com/files/Indiana_Final_GNS.pdf)

46 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)

47 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)

**Step 2 – Determine which upwind states are linked to these identified downwind air quality problems and thus warrant further analysis to determine whether their emissions violate the Good Neighbor provision.**

- On August 30, 2018, EPA offered an additional flexibility related to significant contribution which allows a state to base its Good Neighbor SIP on either a 1 ppb or 2 ppb contribution level.<sup>48</sup>
- Allowing significant contribution to be defined at either 1 ppb or 2 ppb is enough to provide the basis for the Good Neighbor SIP that have been submitted by the following states:

Arkansas<sup>49</sup>

Indiana<sup>50</sup>

Illinois<sup>51</sup>

Kentucky<sup>52</sup>

Missouri<sup>53</sup>

Ohio<sup>54</sup>

- In acting to approve state proposals to use an alternative significance level of 1 ppb, EPA has considered the following additional quantitative factors<sup>55</sup>:
  1. How does the impact of in-state emissions on ozone levels at this receptor compare to collective upwind impacts?
  2. What are the impacts of individual upwind states linked at 1 ppb or higher to the receptor?
  3. Are individual upwind states impacting this receptor between 1 percent and 1 ppb linked above 1 ppb to *other* receptors?

EPA has initiated approval of a 1 ppb significance level for the following states;

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48 [http://www.midwestozonegroup.com/files/contrib\\_thresholds\\_transport\\_sip\\_subm\\_2015\\_ozone\\_memo\\_08\\_31\\_18.pdf](http://www.midwestozonegroup.com/files/contrib_thresholds_transport_sip_subm_2015_ozone_memo_08_31_18.pdf)

49 <https://www.adeq.state.ar.us/air/planning/sip/pdfs/2015/final-2015-ozone-naaqs-infrastructure-and-transport-sip.pdf>

50 [http://www.midwestozonegroup.com/files/Indiana\\_Final\\_GNS.pdf](http://www.midwestozonegroup.com/files/Indiana_Final_GNS.pdf)

51 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)

52 [http://www.midwestozonegroup.com/files/2019-01-11\\_2015\\_O3\\_ISIP\\_Final\\_Submittal.pdf](http://www.midwestozonegroup.com/files/2019-01-11_2015_O3_ISIP_Final_Submittal.pdf)

53 [http://midwestozonegroup.com/files/Missouri\\_Good\\_Neighbor\\_SIP\\_6.10.19.pdf](http://midwestozonegroup.com/files/Missouri_Good_Neighbor_SIP_6.10.19.pdf)

54 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)

55 <https://www.federalregister.gov/documents/2020/03/02/2020-04229/air-plan-approval-iowa-infrastructure-state-implementation-plan-requirements-for-the-2015-ozone>

Iowa (proposed 3/2/20)<sup>56</sup>

**Step 3 – Identify air quality, cost, and emission reduction factors to be evaluated in a multifactor test to identify emissions that significantly contribute to nonattainment or interfere with maintenance of the NAAQS downwind, if any.**

- EPA has issued draft guidance addressing international emissions under 179B of the Clean Air Act<sup>57</sup> and in the development of portions of the regional haze program<sup>58</sup>, but has not yet done so for Good neighbor SIP development. Nevertheless, EPA’s March 2018 memorandum<sup>59</sup> specifically recognizes that in the development of Good Neighbor SIP’s states may wish to consider “whether air quality, cost, or emission reduction factors should be weighed differently in areas where international contributions are relatively high.”
- International transport has also been offered as a flexibility in EPA in the development of Good Neighbor SIPs.<sup>60</sup> The following states have recognized international emissions in their Good Neighbor SIP:

Illinois<sup>61</sup>

Missouri<sup>62</sup>

West Virginia<sup>63</sup>

- For problem monitors that have not been addressed at Steps 1 or 2, the following states have based their Good Neighbor SIP on the lack of any additional cost-effective controls on sources in their state. These states include:

Indiana<sup>64</sup>

Illinois<sup>65</sup>

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56 <https://www.federalregister.gov/documents/2020/03/02/2020-04229/air-plan-approval-iowa-infrastructure-state-implementation-plan-requirements-for-the-2015-ozone>

57 <https://www.epa.gov/ground-level-ozone-pollution/international-transport-air-pollution>

58 [https://www3.epa.gov/ttn/scram/reports/Updated\\_2028\\_Regional\\_Haze\\_Modeling-TSD-2019.pdf](https://www3.epa.gov/ttn/scram/reports/Updated_2028_Regional_Haze_Modeling-TSD-2019.pdf)

59 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

60 [http://www.midwestozonegroup.com/files/transport\\_memo\\_03\\_27\\_18\\_1.pdf](http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf)

61 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)

62 [http://midwestozonegroup.com/files/Missouri\\_Good\\_Neighbor\\_SIP\\_6.10.19.pdf](http://midwestozonegroup.com/files/Missouri_Good_Neighbor_SIP_6.10.19.pdf)

63 [http://www.midwestozonegroup.com/files/WV\\_2015\\_O3\\_Transport\\_SIP\\_Final\\_with\\_response\\_to\\_comments.pdf](http://www.midwestozonegroup.com/files/WV_2015_O3_Transport_SIP_Final_with_response_to_comments.pdf)

64 [http://www.midwestozonegroup.com/files/Indiana\\_Final\\_GNS.pdf](http://www.midwestozonegroup.com/files/Indiana_Final_GNS.pdf)

Kentucky<sup>66</sup>  
Missouri<sup>67</sup>  
Ohio<sup>68</sup>  
West Virginia<sup>69</sup>

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65 [http://www.midwestozonegroup.com/files/Illinois\\_SIP\\_for\\_2015\\_Ozone\\_NAAQS.pdf](http://www.midwestozonegroup.com/files/Illinois_SIP_for_2015_Ozone_NAAQS.pdf)  
66 [http://www.midwestozonegroup.com/files/2019-01-11\\_2015\\_O3\\_ISIP\\_Final\\_Submittal.pdf](http://www.midwestozonegroup.com/files/2019-01-11_2015_O3_ISIP_Final_Submittal.pdf)  
67 [http://www.midwestozonegroup.com/files/Missouri\\_Good\\_Neighbor\\_SIP\\_6.10.19.pdf](http://www.midwestozonegroup.com/files/Missouri_Good_Neighbor_SIP_6.10.19.pdf)  
68 [http://www.midwestozonegroup.com/files/Ohio\\_2015\\_O3\\_Infrastructure\\_SIP.pdf](http://www.midwestozonegroup.com/files/Ohio_2015_O3_Infrastructure_SIP.pdf)  
69 [http://www.midwestozonegroup.com/files/WV\\_2015\\_O3\\_Transport\\_SIP\\_Final\\_with\\_response\\_to\\_comments.pdf](http://www.midwestozonegroup.com/files/WV_2015_O3_Transport_SIP_Final_with_response_to_comments.pdf)

**Step 4 – Adopt permanent and enforceable measures needed to achieve emissions reductions (translating the control levels identified in Step 3 into enforceable emissions limits).**

- No state has yet reached the point of adopting Step 4 measures with respect to the 2015 ozone NAAQS.