Maryland
Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

November 16, 2016

Gina McCarthy, Administrator
United States Environmental Protection Agency
Office of the Administrator - Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear ~~Administrator~~ Gina McCarthy:

The State of Maryland, through the Department of the Environment, hereby petitions the Administrator of the U.S. Environmental Protection Agency (EPA), under §126(b) of the Clean Air Act (CAA), to find that the 36 electric generating units (EGUs) listed in " Table 1" are emitting air pollutants in violation of the provisions of Section 110(a)(2)(D)(i) of the CAA with respect to the 2008 ozone National Ambient Air Quality Standard (NAAQS). These EGUs are located in five upwind states that EPA has already determined are significantly contributing to Maryland's ozone problem under the 2008 ozone NAAQS.

Section 110(a)(2)(D)(i) of the CAA prohibits any source or other type of emission activity within a state, "from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other State with response to any such national primary or secondary ambient air quality standard." Section 126(b) of the CAA provides that, "[a]ny State or political subdivision may petition the Administrator for a finding that any major source or group of stationary sources emits or would emit any air pollutant in violation of the prohibition of Section 110(a)(2)(D)(ii) or this section."

Over the past forty years, the CAA has benefited hundreds of millions of Americans by reducing air pollution and improving public health while our nation's economy prospered. This success story is largely due to the state-federal partnership embodied in this landmark environmental law by which states cooperatively work with the EPA to adopt cost-effective programs to reduce air pollution within their jurisdictions and to prevent adverse impacts of air pollution emanating from their states on downwind jurisdictions.

The CAA strives for clean air for everyone, every day but unlawful interstate air pollution threatens our progress. The State of Maryland has worked with our partners in the Ozone Transport Commission over many years to reduce harmful regional emissions. We have also collaborated with upwind states outside of the OTR to voluntarily reduce transport emissions. These efforts, however, have come up short.

Despite our best efforts, Maryland is still not meeting the 2008 ozone standard in all respects. Our options at this point are significantly constrained by the framework of the CAA.

Therefore, Maryland is asking EPA to require that existing control technology at 36 EGUs be run in a manner consistent with manufacturers' specifications during the ozone season. Because these 36 EGUs are no longer running their control technology efficiently, or sometimes not running the equipment at all, over 300 tons of nitrogen oxides (NO_x) emissions are being released on many high ozone days. These significant releases of NO_x would not occur if these controls were run consistent with best practices from earlier years.

The enclosed petition lays out the strong technical basis for this action. Maryland seeks a finding from EPA under CAA §126 on the enclosed petition, and requests that, pursuant to CAA Section 126, EPA order the 36 EGUs to discontinue the prohibited emissions by May 1, 2017.

CAA Section 126(b) requires that within 60 days after receipt of any petition and after public hearing, the Administrator shall make such a finding or deny the petition. We look forward to working with the Agency to protect the health and welfare of Maryland's citizens. Please do not hesitate contact me if you have any questions or need additional information regarding this petition.

Sincerely, Thanks

Ben Grumbles
Secretary

Enclosures

cc: Shawn Garvin, Regional Administrator, Region 3
Janet McCabe, Acting Assistant Administrator, OAR