



Press Release

Attorney General Frosh's Statement on EPA's Decision Regarding Maryland's Section 126 Petition

BALTIMORE, MD (September 17, 2018) - On Friday, EPA signed a final agency decision denying Maryland's petition for relief under Section 126 of the Clean Air Act. Filed in December 2016, the petition asked EPA to require out-of-state power plants to run their already installed pollution control equipment in order to reduce place tighter controls on out-of-state emissions of nitrogen oxides (NOx), which contribute to ground-level ozone problems downwind in Maryland in violation of the Clean Air Act's "good neighbor" provision. Maryland Attorney General Brian E. Frosh issued the following statement in response to EPA's decision:

"Late in the day on Friday, EPA denied Maryland's petition for relief under Section 126. Although EPA evidently wants to bury this decision to let out-of-state power plants continue sending pollution to Maryland, we won't let it go unchallenged.

"As the climate continues to change, it is all the more imperative to control emissions that lead to high levels of ozone on the hottest days of the year. Maryland can do its part to control NOx emissions and keep ozone levels down, but other states need to do theirs as well.

"EPA's decision is wrong. If it is allowed to stand, the air Marylanders breathe will be dirtier, especially on the hottest days of the summer—through no fault of ours. Children, the elderly, and people with respiratory problems feel the consequences of high ozone levels most acutely.

"Maryland strictly controls NOx emissions within its own boundaries. We intend to appeal EPA's decision to the U.S. Court of Appeals for the D.C. Circuit, so that Marylanders do not have to continue suffering the consequences of other states' pollution."

Maryland, through its Department of the Environment, petitioned for relief under Section 126 in December 2016. In May 2018, EPA issued a [proposed decision](#) denying the petition. Attorney General Frosh testified at a public hearing to oppose the denial, and later submitted detailed written comments.

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