



PRESS RELEASE

State of Maryland Sues EPA for Refusing to Control Upwind NOx Emissions

BALTIMORE, MD (October 15, 2018) - Maryland Attorney General Brian E. Frosh today announced that the State of Maryland has sought [judicial review](#), in the United States Court of Appeals for the D.C. Circuit, of the Environmental Protection Agency's decision to deny Maryland's petition for relief under Section 126 of the Clean Air Act. The petition had asked EPA to impose additional controls on upwind emissions of nitrogen oxides (NOx), which are a precursor to the ozone that plagues Maryland when the weather is warm.

"EPA's decision to deny our petition gives a green light to out-of-state power plants to continue sending their pollution downwind to Maryland. Maryland strictly controls NOx emissions within its own boundaries, but other states need to do their part to keep ozone levels down," said Attorney General Frosh. "Requiring power plants to implement common sense standards to reduce harmful emissions is the responsibility of EPA. Today, with the Maryland Department of the Environment, we are appealing EPA's decision to the U.S. Court of Appeals for the D.C. Circuit to protect Marylanders from the negative health consequences of other states' pollution."

In November 2016, Maryland filed a [petition](#) under Section 126 of the Clean Air Act. The petition requested that EPA require specified out-of-state power plants to run their already-installed pollution control equipment in order to reduce emissions of NOx, which contribute to ground-level ozone problems downwind in Maryland in violation of the Clean Air Act's "good neighbor" provision. The petition argued that 36 power plants in five upwind states emit pollution that contributes to poor air quality in Maryland, and that these power plants have failed to optimize and consistently operate the pollution controls that they already have installed.

In September 2018, EPA announced a final agency decision denying Maryland's petition for relief. EPA published that decision in the Federal Register on October 5, 2018.