

Kentucky Responds to Maryland Clean Air Act Petition

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On December 2, 2016, the **Kentucky Energy and Environment Cabinet** requested **EPA** deny a November 16, 2016 petition from the State of Maryland pursuant to Section 126(b) of the **Clean Air Act** that requested EPA abate emissions from 36 coal-fired electric generating units in five states, including Kentucky, that supposedly contribute to Maryland's non-attainment with the 2008 ozone **National Ambient Air Quality Standard (NAAQS)** of 0.075ppm. The Maryland petition identified three Kentucky emission sources as purportedly contributing to Maryland's failure to meet the 2008 ozone NAAQS and specifically requested more stringent NO_x limits be imposed on those sources. Kentucky's response requested immediate denial of the petition on the ground that ozone ambient air monitors operated in and around Maryland demonstrate compliance with the 2008 limit.

Additionally, Kentucky asserted that the petition failed to provide adequate justification for requiring Kentucky sources to make further reductions and also failed to account for recent revisions to the Cross State Air Pollution Rule and the ozone season budgets published on October 26, 2016, which require the three identified Kentucky sources to reduce their emissions by more than 2,000 tons of NO_x during ozone season or acquire allowances while still complying with applicable requirements. Kentucky also highlighted the local source impact on Maryland air quality and that 32 sources in Maryland have higher NO_x limits than the requested limits for the three Kentucky sources. As stated in Kentucky's response, "[i]f EPA grants the petition, Kentucky sources will be required to reduce emissions at an economic penalty, whereas Maryland can continue to promote economic growth and increase emissions." Kentucky requested the petition be denied so that Kentucky industries would not be placed "at an unfair, unreasonable economic disadvantage."

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