



JANET T. MILLS  
GOVERNOR



MELANIE LOYZIM  
ACTING COMMISSIONER

**To:** Board of Environmental Protection

**From:** Jeffrey S. Crawford, Director, Bureau of Air Quality

**Date:** October 15, 2020

**Re:** Chapter 100, Definitions Regulation

On February 6, 2020, the Maine Board of Environmental Protection voted to authorize the submission on behalf of the Governor of a petition to the Environmental Protection Agency (EPA) Administrator, under Section 176A of the Clean Air Act (CAA), to remove certain portions of Maine from the Ozone Transport Region (OTR).

Section 176A(a)(2) of the CAA provides that the Administrator may remove any state or portion of a state from the OTR whenever control of emissions in that state or portion of a state will “not significantly contribute to the attainment of the standard [the ozone National Ambient Air Quality Standards (NAAQS)] in any area in the region.” The Department’s CAA Section 176A(a)(2) petition is based on a technical demonstration that emissions from northern, western, and far eastern Maine are not significant contributors to nonattainment of the ozone standard in other states, nor do they interfere with maintenance or attainment of the ozone standard in those Maine municipalities that will remain in the OTR. The petition was submitted on February 24, 2020, and is currently being reviewed by EPA.

EPA recently notified the Department that amending the definition of “Ozone Transport Region” in the Department’s Chapter 100 Definitions Regulation is necessary to facilitate processing of the Department’s petition because the current State Implementation Plan-approved definition includes the entire state of Maine:

**111. Ozone Transport Region.** "Ozone Transport Region" (OTR) means that part of the State of Maine included in a region of states comprised of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia, established by Section 184 of the CAA for the control of interstate ozone air pollution. **For the State of Maine, the Ozone Transport Region includes all of the counties in the State** (emphasis added).

Since approval of the Department’s Section 176A Petition will reduce the geographic extent of the OTR in Maine, the Department is proposing to revise this definition to exclude those parts of the state to be removed from the OTR by the EPA Administrator pursuant to CAA Section 176A.

#### Regulatory Framework:

General statutory authority for Chapter 100 is provided by 38 M.R.S. § 585-A.

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Requested Action:

The proposal is a routine technical rulemaking. The Department recommends that the proposed amendments be posted to a public hearing on November 19, 2020.

Estimated time of agenda item:

10 minutes