

Clean Air Act: Maryland Attorney General Federal District Lawsuit Alleging U.S. Environmental Protection Agency Failure to Act on Section 126 Petition



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Maryland Attorney General Brian E. Frosh (“AG”) filed a Complaint in the United States District Court for the District of Maryland alleging a violation of the Clean Air Act by the United States Environmental Protection Agency (“EPA”).

The Maryland AG alleges that EPA has failed to act on a Section 126 petition previously filed that requested a federal agency finding in regards to emissions from power plants located in Indiana, Kentucky, Ohio, Pennsylvania and West Virginia.

The referenced states are described as being upwind of Maryland and impeding the state’s effort to attain and maintain certain federal Clean Air Act National Ambient Air Quality Standards. The petition asks that EPA require that the upwind states implement certain air pollution controls. The air pollutants cited in the petition emitted by the power plants are nitrogen oxides.

The Maryland AG’s Complaint alleges that EPA issued a six-month extension to the original 60-day deadline to respond to the 126 petition. It further alleges that the extended deadline has now expired without action by EPA.

[A copy of the press release and complaint can be downloaded here.](#)