

## In this week's Washington Update:

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We also provide links to information on events taking place during the week ahead.

## ***This Week in Review***

**(1) EPA Issues Final Rule Withdrawing MATS "Appropriate and Necessary" Finding and Setting RTR (April 16, 2020)** – EPA issued a final regulation revising the Supplemental Cost Finding for the Mercury and Air Toxics Standards (MATS) and rescinding its previous finding that it is "appropriate and necessary" to regulate emissions of hazardous air pollutants (HAPs) under Section 112 of the Clean Air Act. The rule includes changes to the valuation of co-benefits in the rule's cost-benefit analysis. These include considering only direct benefits from reducing mercury and hazardous air pollutants (HAPs) and not counting benefits from decreasing particulate matter. In response to the changes in its cost-benefit analysis, EPA is withdrawing the "appropriate and necessary" finding but the agency is not delisting the source category or rescinding the MATS requirements. The final rule also promulgates the Risk and Technology Review (RTR) standard

for the source category, finding that the risk remaining after the implementation of MATS is “acceptable” and that there are no new developments in emission controls, therefore, additional requirements are not warranted. The rule has been issued now in spite of the fact that EPA’s Science Advisory Board just issued a recommendation that EPA redo the risk assessment associated with the proposal (see related article in this *Washington Update*). EPA had announced the proposed rule withdrawing the appropriate and necessary finding and setting the RTR standard on December 27, 2018, with publication in the *Federal Register* on February 7, 2019. The final rule was expected to be issued months ago but was held up during review by the Office of Management and Budget. The final rule is expected to be published in the *Federal Register* shortly. For further information: <https://www.epa.gov/mats/regulatory-actions-final-mercury-and-air-toxics-standards-mats-power-plants>

**(2) Science Advisory Board Calls for EPA to Redo MATS Risk Assessment, Takes Issue with Exclusion of Co-Benefits (April 9, 2020)** – EPA’s Science Advisory Board (SAB) sent to EPA Administrator Andrew Wheeler the results of its consideration of the scientific and technical basis of the agency’s proposed Mercury and Air Toxics Standards (MATS) Residual Risk and Technology Review (RTR) and cost review, calling for EPA to redo the risk assessment for the RTR and taking issue with EPA’s exclusion of co-benefits in the assessment. Despite the SAB review, EPA, on April 16, 2020, issued the final MATS rule without addressing the issues raised by the SAB (see related article in this *Washington Update*). With respect to EPA’s MATS risk assessment, the SAB noted that the agency’s estimates did not account for total exposure (e.g., the assessment included only fish from small to mid-sized lakes, which is only a “small fraction of fish consumed in the United States”). The SAB recommended that EPA prepare a new estimate that accounts for total exposure, including from power plants and consumption of ocean fish. Additionally, the SAB stated that EPA’s updated risk assessment should account for neurological impacts from mercury and other health endpoints, including cardiovascular effects. The SAB also recommended that EPA reevaluate the rationale it used for selecting which hazardous air pollutants to screen and should include further justification if the agency excludes selenium and chromium. Additionally, EPA should address technical issues the SAB raised related to environmental risk screening. With respect to consideration of co-benefits, the report states the following: “The SAB notes that the EPA’s benefit-cost analysis of the proposed action categorically excludes co-benefits. That departs from the Agency’s long-standing practice and is contrary to both the Agency’s guidance document on economic analysis (U.S. EPA 2014) and to the recommendations of the Office of Management and Budget (U.S. OMB 2003).” The SAB further states that “excluding co-benefits is a departure from the Board’s recommended practice.” For further information: [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOAR/D/4908A62FD4C0DE2285258549005B8797/\\$File/EPA-SAB-20-004+.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebReportsLastMonthBOAR/D/4908A62FD4C0DE2285258549005B8797/$File/EPA-SAB-20-004+.pdf)

**(3) EPA Administrator Proposes to Retain Current PM NAAQS Without Revision; Senate Democrats Push Back (April 14, 2020)** – EPA Administrator

Andrew Wheeler announced his proposed decision to retain the current National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) without revision. The proposal – which addresses the primary and secondary NAAQS for fine and coarse particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>, respectively) – follows a multi-year NAAQS review initiative by EPA staff and the Administrator’s seven-member independent advisory body, the Clean Air Scientific Advisory Committee (CASAC). The Administrator’s proposal to retain the current standards without change is, with respect to the primary PM<sub>2.5</sub> standards, counter the recommendations he received from his staff, who concluded the following in their January 2020 final *Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter*: “When taken together, we reach the conclusion that the available scientific evidence, air quality analyses, and the risk assessment, as summarized above, can reasonably be viewed as calling into question the adequacy of the public health protection afforded by the combination of the current annual and 24-hour primary PM<sub>2.5</sub> standards.” In the final *PM Policy Assessment* (PM PA), EPA staff advised that available information suggests that an annual primary PM<sub>2.5</sub> standard in the range of 8 micrograms per cubic meter (µg/m<sup>3</sup>) to <10 µg/m<sup>3</sup> (versus the current standard of 12 µg/m<sup>3</sup>) is supported and a 24-hour PM<sub>2.5</sub> standard as low as 30 µg/m<sup>3</sup> (versus the current standard of 35 µg/m<sup>3</sup>) is supported. For its part, CASAC’s advice to EPA staff on the September 2019 draft PM PA was split. CASAC wrote in its December 2019 final report providing “consensus responses” to the draft PM PA, that some CASAC members conclude that “the Draft PM PA does not establish that new scientific evidence and data reasonably call into question the public health protection afforded by the current 2012 PM<sub>2.5</sub> annual standard” while “[o]ther members of CASAC conclude that the weight of the evidence, particularly reflecting recent epidemiology studies showing positive associations between PM<sub>2.5</sub> and health effects at estimated annual average PM<sub>2.5</sub> concentrations below the current standard, does reasonably call into question the adequacy of the 2012 annual PM<sub>2.5</sub> National Ambient Air Quality Standards (NAAQS) to protect public health with an adequate margin of safety.” Once the Administrator’s proposal is published in the *Federal Register* there will be a 60-day public comment period. The agency will convene one or more virtual public hearings, to be announced in a separate *Federal Register* notice. The Administrator has indicated his intention to issue a final decision on the PM NAAQS review by the end of this calendar year. On the heels of the proposal, 18 members of the U.S. Senate, led by Senator Margaret Wood Hassan (D-NH), sent a letter to Administrator Wheeler expressing concern “that in the midst of the COVID-19 epidemic, the Environmental Protection Agency (EPA) is taking action that will worsen air pollution and – according to recent research – could result in higher death rates among COVID-19 patients.” The cited “recent research” is a study released last week by researchers at the Harvard University T.H. Chan School of Public Health, who found that a small increase in long-term exposure to PM<sub>2.5</sub> leads to a large increase in the COVID-19 death rate (see related article in the April 4-10, 2020 *Washington Update*). The Senators also note that “[e]ven prior to the COVID-19 pandemic, research showed that this standard for this air

pollution does not protect public health. EPA's own scientists found that the current level is inadequate in January." Accordingly, "[g]iven the new information regarding this dangerous link between air pollution and worse COVID-19 patient outcomes and the imperative it suggests to enforce existing air pollution safeguards," the Senators pose a series of questions to the Administrator and request that he respond by April 21, 2020. In addition to Senator Hassan, signatories to the letter are Senators Thomas R. Carper (D-DE), Michael F. Bennet (D-CO), Richard Blumenthal (D-CT), Cory A. Booker (D-NJ), Robert P. Casey (D-PA), Christopher A. Coons (D-DE), Dianne Feinstein (D-CA), Kirsten Gillibrand (D-NY), Kamala D. Harris (D-CA), Angus S. King, Jr. (I-ME), Edward J. Markey (D-MA), Jeffrey A. Merkley (D-OR), Jack Reed (D-RI), Bernard Sanders (D-VT), Chris Van Hollen (D-MD), Elizabeth Warren (D-MA) and Sheldon Whitehouse (D-RI). For further information: <https://www.epa.gov/pm-pollution/proposal-retain-national-ambient-air-quality-standards-particulate-matter-pm>, [https://www.epa.gov/sites/production/files/2020-01/documents/final\\_policy\\_assessment\\_for\\_the\\_review\\_of\\_the\\_pm\\_naaqs\\_01-2020.pdf](https://www.epa.gov/sites/production/files/2020-01/documents/final_policy_assessment_for_the_review_of_the_pm_naaqs_01-2020.pdf), [https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/E2F6C71737201612852584D20069DFB1/\\$File/EPA-CASAC-20-001.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/E2F6C71737201612852584D20069DFB1/$File/EPA-CASAC-20-001.pdf), [http://www.4cleanair.org/sites/default/files/Documents/PM\\_NAAQS\\_Review-House\\_Ds\\_Letter\\_to\\_EPA-041420.pdf](http://www.4cleanair.org/sites/default/files/Documents/PM_NAAQS_Review-House_Ds_Letter_to_EPA-041420.pdf) and [https://projects.iq.harvard.edu/files/covid-pm/files/pm\\_and\\_covid\\_mortality.pdf](https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf)

**(4) Fourteen State AGs Urge EPA to Rescind COVID-19 Enforcement Policy (April 15, 2020)** – The Attorneys General (AG) of 14 states sent a letter to EPA Administrator Andrew Wheeler urging the agency to rescind the enforcement discretion memorandum that it issued on March 26, 2020. The March 26 memorandum, titled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," communicated a temporary policy that EPA would not take enforcement action against regulated entities that fail to comply with some paperwork, certification, reporting and monitoring requirements if failure to do so resulted from circumstances surrounding the ongoing pandemic. It applies retroactively to March 13 and has no specified end date. In their letter this week, the AGs say, "As the chief law enforcement officers of our states, we are greatly concerned by the EPA's announcement of a nationwide policy significantly curtailing enforcement of our nation's bedrock environmental and public health laws .... Although it is appropriate for EPA to consider whether safeguards against the coronavirus impact the ability of industry to comply, the agency cannot – in the midst of a public health crisis – lose sight of its mission to protect public health and the environment. Because the policy turns a blind eye to the impacts on our communities of more pollution and lesser accountability, we strongly urge EPA to rescind it .... In the meantime, we will continue to enforce our state environmental laws in a reasonable manner, and stand ready to hold regulated entities accountable under critical federal environmental laws if EPA will not." The AGs signing the letter are from Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin. For further information:

[https://ag.ny.gov/sites/default/files/2020\\_0415\\_final\\_aggs\\_letter\\_on\\_epa\\_enforcement\\_discretion\\_policy\\_signed.pdf](https://ag.ny.gov/sites/default/files/2020_0415_final_aggs_letter_on_epa_enforcement_discretion_policy_signed.pdf) and

<https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>

**(5) Thirteen States, D.C., NYC Sue DOE over Energy Efficiency Rollback (April 14, 2020)** – A coalition of 13 states, the District of Columbia and the City of New York filed suit in the U.S. Court of Appeals for the Ninth Circuit opposing the U.S. Department of Energy's (DOE) newly revised process for setting energy efficiency standards for appliances and equipment. In its January 2020 final "Process Rule," DOE establishes a threshold for "significant energy savings" before it will establish new or updated efficiency programs for major residential and commercial items, including refrigerators, water heaters and air conditioners. Unless a standard saves 0.3 quadrillion British thermal units of energy over three decades it will not meet the threshold (see related article in the January 17, 2020 *Washington Update*). In January, DOE said Congress requires it to regulate energy savings only when doing so would save "significant" energy. This week's lawsuit was filed by the Attorneys General of California, Connecticut, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Vermont, Washington and the District of Columbia, as well as the City of New York, who argue that the threshold set by DOE in the Process Rule was unreasonably high and would have the effect of blocking any standard that did not result in energy savings equivalent to powering 8 million homes per year. For further information: <https://oag.ca.gov/system/files/attachments/press-docs/Proc%20Rule%20Petition%20FILED.pdf> and [https://www.energy.gov/sites/prod/files/2020/01/f70/process-rule\\_final-rule\\_2020-1-15.pdf](https://www.energy.gov/sites/prod/files/2020/01/f70/process-rule_final-rule_2020-1-15.pdf)

**(6) DOJ Halts Civil Penalty Payments (April 13, 2020)** – The U.S. Department of Justice (DOJ) issued orders to DOJ attorneys to freeze their programs for collecting civil penalty payments until at least May 31, 2020 in an effort to blunt the coronavirus pandemic's economic impact. In memoranda issued March 31 and April 13, 2020 by acting Director of the Executive Office for U.S. Attorneys Corey Ellis, U.S. attorneys' offices were directed to stop affirmative civil debt collection, including for environmental penalties. The policy does not apply to criminal penalties, Ellis said. Under the DOJ policy, affected parties may voluntarily continue paying their full penalties or just make interest-only payments. The memoranda indicate the policy will remain in force until it can be reconsidered on May 31, 2020. For further information: <http://www.4cleanair.org/sites/default/files/resources/memo%20to%20usaos%20temporary%20stop%20on%20civil%20collection%20final.pdf> and [http://4cleanair.org/sites/default/files/resources/eousa%20memo\\_debt%20suspension%20ace.pdf](http://4cleanair.org/sites/default/files/resources/eousa%20memo_debt%20suspension%20ace.pdf)

**(7) EPA's 2018 GHG Inventory Shows Emissions Surge (April 13, 2020)** – EPA released data showing that U.S. economy-wide emissions of greenhouse gases (GHG) increased by over 3 percent in 2018, the largest increase in the last

decade, coming after five years of annual declines. In 2018, U.S. GHG emissions totaled 6,677 million metric tons of carbon dioxide equivalent increasing from 2017 to 2018 by 3.1 percent. In 2018, GHG emissions from the residential, commercial, industrial, transportation, electric power and agricultural sectors all increased. EPA shows in the report that the transportation sector was the largest source of GHG emissions, amounting to 28 percent, followed by electricity, which made up 27 percent. EPA says that 81 percent of the GHG emissions came from carbon dioxide emissions resulting primarily from fossil fuel combustion. In addition, 9 percent came from methane, 7 percent from nitrous oxide and 3 percent from fluorinated gases. EPA notes that after accounting for sequestration from the land sector, emissions had dropped 10.2 percent from 2005 levels. For further information: <https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks>

**(8) EPA Proposes Fuels Streamlining Rule (April 13, 2020)** – EPA proposed a “Fuels Regulatory Streamlining” rule intended to update the agency’s gasoline, diesel and other fuels programs “to improve overall compliance assurance and maintain environmental performance, while reducing compliance costs for industry and EPA.” Under the proposal, EPA would streamline existing fuel quality rules by removing expired provisions, eliminating duplicative compliance provisions (e.g., redundant registration requirements that are required by every EPA fuels program) and removing unnecessary and outdated requirements and replacing them with a single set of provisions and definitions that will apply across all gasoline, diesel and other fuels programs currently regulated under 40 CFR part 80, with the exception of the Renewable Fuel Standard program. Three key program components include 1) simplification of the Reformulated Gasoline summer volatile organic compound standards, 2) consolidation of regulatory requirements across part 80 fuel requirements and 3) improvement of oversight by leveraging third parties to ensure the quality of in-use fuel. EPA notes in the proposal that “[t]his action does not propose to change the stringency of the existing fuel quality standards” nor does it propose any new fuel standards. The agency further notes that the proposal does not seek to remove any requirements for fuels specified by the Clean Air Act. Once this proposal is published in the *Federal Register* there will be a 60-day public comment period. The agency will announce a public hearing date and location in a separate *Federal Register* notice. For further information: <https://www.epa.gov/diesel-fuel-standards/notice-proposed-rulemaking-streamlining-and-consolidating-existing-gasoline>

**(9) New Jersey Files Opening Brief in D.C. Circuit Challenge to EPA’s “Reasonable Possibility” NSR Recordkeeping and Reporting Rule (April 14, 2020)** – In a brief filed in the U.S. Court of Appeals for the District of Columbia Circuit, New Jersey argues that the “reasonable possibility” standard adopted in a 2007 EPA rule for recordkeeping and reporting requirements in New Source Review (NSR) permitting is impermissibly vague and undermines states’ ability to enforce the program. The 2007 rule, whose origins date back to the 2002 NSR reform rules, defines when there is a “reasonable possibility” that a project may result in a significant emissions increase, even though the project was determined

not to be a major modification. It provides that “reasonable possibility” exists when the projected actual emissions increase resulting from a project equals or exceeds 50 percent of the NSR significance level for any pollutant. If a project meets the reasonable possibility standard, it is subject to recordkeeping, monitoring and reporting requirements, so as to hold the source accountable for the projected emissions calculations. In 2008, New Jersey filed a petition for administrative reconsideration of the 2007 rule with EPA and a petition for review in the D.C. Circuit. EPA informed New Jersey in November 2019 that it is no longer reconsidering the rule, and New Jersey’s longstanding petition for review was reactivated. In its opening brief, New Jersey argues that the rule thwarts permitting authorities’ ability to enforce NSR by allowing sources to avoid recordkeeping and reporting requirements based on subjective determinations that there is no “reasonable possibility” that a project will result in a significant emissions increase. “Without the potential for enforcement based on review of pre-construction analyses of these applicability factors and post-project emission records, sources are free to manipulate their analyses to avoid NSR,” New Jersey asserts. The 50-percent threshold is impermissibly arbitrary and vague, the state argues; “EPA does not explain how a source operator’s claim of less than a 50% significant emissions increase is any more verifiable or enforceable than a claim of less than 100% of a significant emissions increase, absent recordkeeping or reporting in either case.” Further, New Jersey argues, EPA’s claim that permitting authorities can rely on “other records” to enforce NSR, such as Title V records, is not sufficient. “None of this documentation substitutes for records describing the project, i.e., those identifying the units that could be affected; describing the applicability test (e.g., actual-to-projected-actual) used to determine that the project is not a major modification for any NSR regulated pollutant ... and identifying post-change actual emissions from each affected unit.” New Jersey asks the court to vacate the rule and remand it to EPA to promulgate a replacement.

For further information:

<http://www.4cleanair.org/sites/default/files/Documents/New-Jersey-v-EPA-Petitioner-Brief-4-14-20.pdf>

**(10) Federal Court Vacates EPA Directive Barring Current EPA Grant Recipients from Federal Advisory Committees (April 15, 2020)** – The U.S.

District Court for the Southern District of New York vacated and remanded a 2017 EPA directive that provided that “no member of an EPA federal advisory committee be currently in receipt of EPA grants.” The order from District Judge Denise Cote follows her February 10, 2020 opinion awarding summary judgment to the plaintiff, the Natural Resources Defense Council, on grounds that it was arbitrary and capricious. In addition to the Southern District of New York, the directive has been challenged in several other courts. Among them are the U.S. Court of Appeals for the District of Columbia and the U.S. Court of Appeals for the First Circuit, the latter of which ordered last month that a lower court reconsider its finding that the directive was not judicially reviewable. For further information:

<http://www.4cleanair.org/sites/default/files/Documents/NRDC v EPA-SDNY Opinion 4-15-20.pdf>

**(11) Enforcement Study Suggests Broad Noncompliance with Many Environmental Rules (April 14, 2020)**

– The author of a new study published by Harvard Law School's Environmental and Energy Law Program makes a case that serious violations of environmental rules are widespread. Cynthia Giles, former EPA Assistant Administrator for the Office of Enforcement and Compliance Assurance under the previous administration, notes data showing that significant violations occur at 25 percent or more of facilities in nearly all programs for which there is compliance data and offers data that show, for some programs, noncompliance rates of 50 percent to 70 percent are not unusual. Giles looks at four programmatic data types: programs for which there are reported data; programs for which the compliance status of most sources is known, allowing for inference of all sources regulated; rules for which there is indicative evidence without specific compliance performance data; and rules without data and for which few inferences can be drawn. The author also flags problems in monitoring and reporting as being factors in the under-identification of compliance problems, arguing that “[v]iolations of health standards are of course deeply concerning but monitoring violations can be just as serious.” The author writes that compliance problems are rarely rooted in one sector or another; instead, poorly crafted rules are more likely to result in noncompliance outcomes, regardless of the sector being regulated. She argues that regulatory design that incorporates compliance into the structure of the rule and creates built-in advantages and penalties motivating regulated entities to comply are more likely to drive good compliance outcomes than programs that rely entirely on after-the-fact enforcement by the regulator. For further information: <http://eelp.law.harvard.edu/wp-content/uploads/Cynthia-Giles-Part-2-FINAL.pdf>

**(12) Massive Global Economic Benefits and Losses Predicted from Climate Action or Inaction (April 15, 2020)**

– A peer-reviewed study published this week in the journal *Nature* finds that countries that make investments to reduce and mitigate climate damage would reap economic benefits that far outweigh the costs. The authors of “Self-preservation strategy for approaching global warming targets in the post-Paris Agreement era,” led by researchers at the Beijing Institute of Technology in China, say that optimizing global reductions of greenhouse gas (GHG) emissions would have a global net economic benefit of between \$127 trillion and \$616 trillion by 2100, with upfront investment worldwide estimated at between \$16 trillion and \$103 trillion by 2100. Highlighting shortfalls in predicted GHG reductions driven by multinational agreements, the authors focus instead on the use of national “self-preservation strategies” that countries would individually deploy to avoid economic loss and maximize benefits. The authors say that previous literature has largely focused on long-term global or multinational strategies for climate change mitigation, and “considered the global emission abatement cost,” while mostly ignoring “the potential benefits of avoiding the climate damage” on a country-by-country basis. The authors aimed their research at strategies “that can balance the long-term benefits obtained by climate mitigation and the short-term abatement costs for each country” and “present a farsighted self-preservation strategy, contributing to straightforward benefits that countries would otherwise lose by inaction or insufficient action.” While the

optimized pathway in the study produces large global economic benefits, the authors predict that failure to rein in GHG emissions means the global economy stands to lose between \$150 trillion and \$792 trillion by the end of the century. For further information: <https://www.nature.com/articles/s41467-020-15453-z>

**(13) EPA Publishes Extension of Public Comment Period on Supplemental “Science Transparency” Proposal (April 17, 2020)** – EPA published in the *Federal Register* (85 Fed. Reg. 21,340) a formal notice extending the public comment period on its proposed supplement to the “Strengthening Transparency in Regulatory Science” proposal by 30 days, from April 17 to May 18, 2020. The supplemental proposal was published on March 18, 2020 (85 Fed. Reg. 15,396) and was initially assigned a public comment period of only 30 days. On March 20, NACAA requested an additional 60 days for public comment; the National Governors’ Association, Attorneys General in 20 states and others also requested a deadline extension. EPA announced on April 2 that it was expanding the comment period by 30 days. The extension to May 18 is intended to “ensure that the public has sufficient time to review and comment on the proposal,” EPA states. For further information: <https://www.govinfo.gov/content/pkg/FR-2020-04-17/pdf/2020-07348.pdf>

**(14) EPA Publishes Final RTR for Hydrochloric Acid Production Facilities (April 15, 2020)** – EPA published in the *Federal Register* (85 Fed. Reg. 20,855) the final Risk and Technology Review air toxics standards for the Hydrochloric Acid Production source category that were announced on March 12, 2020. EPA has determined that the risks remaining after implementation of the Maximum Achievable Control Technology are acceptable and that there are no new cost-effective developments in practices, processes or control technologies that would warrant additional requirements. For further information: <https://www.govinfo.gov/content/pkg/FR-2020-04-15/pdf/2020-05853.pdf> and <https://www.epa.gov/stationary-sources-air-pollution/final-amendments-hydrochloric-acid-production-risk-and-technology>

**(15) EPA Publishes MATS Coal Refuse Rule (April 15, 2020)** – EPA published in the *Federal Register* (85 Fed. Reg. 20,838) the final rule under the Mercury and Air Toxics Standards (MATS) pertaining to power plants firing certain coal refuse that the agency announced on April 9, 2020. The rule creates a new subcategory for certain existing electric utility steam generating units firing eastern bituminous coal refuse and sets new emission standards for the affected sources that allow higher acid gas hazardous air pollutant and sulfur dioxide emissions. The new standards affect six existing power plants, which are small units in Pennsylvania and West Virginia. All the affected sources have met the new standards without the need for additional controls. For further information: <https://www.govinfo.gov/content/pkg/FR-2020-04-15/pdf/2020-07878.pdf> and <https://www.epa.gov/mats/final-subcategory-certain-existing-electric-utility-steam-generating-units-fire-coal-refuse>

**(16) Resources for State, Local and Tribal Governments Added to EPA's COVID-19 Website (April 17, 2020)** – EPA updated its coronavirus website to include new resources for state, local and tribal agencies and associations to assist in the uninterrupted provision of environmental protection during the COVID-19 pandemic. The webpage includes EPA press releases and announcements related to state, local and tribal responses to COVID-19, links to resources and information from EPA (including “frequently asked question” documents about grant issues and COVID-19 generally) and a newly added list of links to COVID-19 resources developed by associations representing state, local and tribal governments. Among them is NACAA's continually updated “COVID-19 Resources Page,” which includes information from state departments of health and environment on COVID-19. For further information: <https://www.epa.gov/coronavirus/coronavirus-covid-19-resources-state-local-and-tribal-agencies-and-associations> and <http://www.4cleanair.org/covid-19>

### ***The Week Ahead***

- Congress in Recess – Through May 4, 2020
- International Association of Wildland Fire [3<sup>rd</sup> International Smoke Symposium](#), Virtual – April 20-23, 2020

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