This Week in Review – April 30 – May 4, 2012

(1) EPA Releases Final Ozone Nonattainment Designations and Ozone Area Classifications Rule (April 30, 2012) – EPA announced final nonattainment designations under the 2008 ozone standard, as well as its final rule for ozone area classifications. Forty-five areas are designated nonattainment under the ozone NAAQS: 36 Marginal, 3 Moderate, 2 Serious, 2 Severe and 2 Extreme (EPA has not yet taken final action on the designation of Chicago). With respect to the final area classifications rule, EPA has established air quality thresholds that define each of the five CAA nonattainment classifications; established December 31 of each relevant calendar year as the attainment date for each classification; revoked the 1997 ozone NAAQS for purposes of transportation conformity; and granted voluntary reclassifications under the 2008 ozone NAAQS to the six California nonattainment areas that requested a bump-up to a higher classification under the 1997 ozone NAAQS. For further information: http://www.epa.gov/ozonedesignations/2008standards/regs.htm

(2) EPA Issues Final Program and Grant Guidance for FY 2013 (April 27, 2012) – EPA issued the Office of Air and Radiation’s Final FY2013 Program and Grant Guidance, as well as a document detailing the agency’s responses to the comments it received on the draft guidance. The guidance discusses the agency’s priorities and plans for the use of FY 2013 funds (including Sections 103 and 105 grants) and provides general information and guidance on the allocation of FY 2013 air grants. It does not contain a detailed breakdown of how grants will be allocated among activities and regions, however. On March 26, 2012 NACAA provided comments on EPA’s draft guidance, which the agency had released on February 23, 2012. The association expressed support for the Administration’s FY 2013 budget proposal for Section 103/105 grants, calling for an increase of $65.8 million above FY 2012 levels, for a total of $301.5 million. NACAA offered specific comments and suggestions about a variety of issues in the draft guidance and included detailed comments about the ambient monitoring program. NACAA also recommended that funding for PM$_{2.5}$ monitoring not be shifted from Section 103 to Section 105 authority. For further information: http://epa.gov/planandbudget/annualplan/fy2013.html and http://www.4cleanair.org/Documents/grantguidancecommentsFY13.pdf
(3) EPA Schedules Public Hearings on GHG NSPS Proposal for May 24; Extends Public Comment Period (May 4, 2012) – In a Federal Register notice scheduled for publication on May 4, 2012, EPA announced that it will hold two public hearings on its proposed greenhouse gas (GHG) New Source Performance Standards (NSPS) for power plants. The hearings will be held on May 24, 2012, in Washington, DC, and in Chicago, IL. In addition, EPA announced that it is extending the comment period on the proposal to June 25, 2012. EPA’s proposed GHG NSPS would set a standard of 1,000 pounds of carbon dioxide per megawatt-hour (lb CO$_2$/MWhr) for new natural gas- and coal-fired base load and intermediate load power plants. EPA provides an alternative compliance option for coal-fired power plants; they may meet an 1800 lb CO$_2$/MWhr standard for ten years and then drop down to 600 lb CO$_2$/MWhr for the next 20 years. For further information: https://s3.amazonaws.com/public-inspection.federalregister.gov/2012-10825.pdf

(4) Study Quantifies Benefits of RGGI to Participating States (April 30, 2012) – Environment Northeast (ENE) released analyses quantifying the benefits to states of participating in the Regional Greenhouse Gas Initiative (RGGI). According to the ENE report, through April 2012, allowance auctions have generated just over $1 billion in revenue, which is on track to add over $1.7 billion in net value to state economies (increase in state economies from direct and indirect impacts of RGGI-supported programs minus power plant losses from reduced sales). Most of the proceeds from the sales of RGGI allowances are directed to energy efficiency programs. The analyses include a review of regional benefits as well as state-by-state breakdowns. For further information: http://www.env-ne.org/resources/detail/current-and-potential-economic-benefits-of-rggi

(5) Researchers Find that PM Pollution Obscured Signs of Global Warming in Eastern U.S. in Late 20th Century (April 30, 2012) – Researchers at Harvard University discovered that particulate pollution in the Eastern United States in the latter part of the 20th century obscured signs of global warming in that area by cooling recorded temperatures. Since the early 20th century, global mean temperatures have risen – by approximately 0.8 degrees Celsius from 1906 to 2005 – but in the eastern U.S., temperatures decreased by as much as 1 degree Celsius during the period 1930-1990. The researchers linked the temperature decreases to levels of particulate pollution in the eastern U.S., which peaked in 1980 and since that time have been reduced by 50 percent. For further information: http://www.seas.harvard.edu/news-events/press-releases/warming-hole-delayed-climate-change-over-eastern-united-states

(6) Department of Energy Releases Map of Potential CO$_2$ Storage Sites in North America (May 1, 2012) – The Department of Energy (DOE) released the first-ever atlas mapping potential storage sites in North America for carbon dioxide (CO$_2$). In addition to estimating the storage capacity for North
American oil and gas fields, coal fields and saline reservoirs, the atlas also notes the location of a total of approximately 2,250 large stationary CO₂ sources, which help in identifying the benefits and opportunities for carbon capture, sequestration, utilization and storage. The atlas was developed by DOE, Natural Resources Canada and the Mexican Ministry of Energy. For further information: http://www.netl.doe.gov/technologies/carbon_seq/refshelf/NACSA2012.pdf

(7) EIA Releases Analysis of Proposed Clean Energy Standard (May 2, 2012) – The Energy Information Administration (EIA) released an analysis of the Clean Energy Standard (CES) Act of 2012, as requested by Senator Jeff Bingaman (D-NM), the author of the bill. The goal of the legislation is to double the amount of clean energy used for electricity by 2035; to be considered “clean,” a generator must either be a zero-carbon source of energy, like renewables and nuclear power, or have a lower carbon intensity than a modern, efficient coal plant. According to the EIA report, the CES would significantly reduce the role of coal-fired generation, while increasing the role of nuclear, natural gas and non-hydropower renewable technologies. Projected annual electricity sector carbon dioxide emissions decrease significantly under the CES, to 20 percent below the business-as-usual levels in 2025 and 44 percent below business-as-usual levels in 2035. For further information: http://www.eia.gov/analysis/requests/bces12/

(8) Environmental Groups Petition EPA to Remove HFC-134a From List of Acceptable Refrigerant Substitutes; Cite High Global Warming Potential (April 30, 2012) – Several environmental groups petitioned EPA to remove HFC-134a from the list of acceptable substitutes for CFC-12 in household refrigerators and freezers and stand-alone retail food refrigerators and freezers, due to the high global warming potential (GWP) of HFC-134a. In 1995, EPA determined that HFC-134a was an acceptable substitute for CFC-12 because HFC-134a has an ozone-depleting potential (ODP) of zero and a GWP of 1300, as compared to CFC-12’s ODP of 1 and GWP of 10,890. However, since that time EPA has identified other substitutes for CFC-12 with much lower GWP, according to the petition. For example, carbon dioxide (R-744) has a 100 year GWP of 1, propane (R-290) a 100 year GWP of approximately 3, isobutane a 100 year GWP of approximately 8 and R–441A a 100 year GWP of less than 5. For further information: http://docs.nrdc.org/globalwarming/files/glo_12042701a.pdf

(9) EPA Denies Petitions to Reconsider Sewage Sludge Incineration Units Rule (April 27, 2012) – EPA announced in the Federal Register that it is denying petitions to reconsider the New Source Performance Standards and Emission Guidelines for Existing Sewage Sludge Incineration Units. EPA issued the final standards on March 21, 2011 and received separate petitions to reconsider from the National Association of Clean Water Agencies (NACWA) and the Sierra Club. EPA is denying the petitions because they “fail to meet the procedural test for reconsideration under CAA section
307(d)(7)(B), and/or are not of central relevance to the outcome of the rule...."

Among NACWA’s concerns were EPA’s decision to regulate Sewage Sludge Incinerators (SSI) under Section 129 of the Clean Air Act, instead of Section 112; insufficient data to establish the Maximum Achievable Control Technology (MACT) standard; the need for a third subcategory; and the provisions for multiple hearth incinerators (MHI). The Sierra Club expressed concerns about EPA’s methodology for setting MACT floors, the agency’s decision not to establish beyond-the-floor standards for certain types of units and the public’s lack of opportunity to comment on alternative testing provisions. In letters to the petitioners, EPA outlined why it disagreed with the petitioners’ issues. For further information:


(10) EPA Schedules SO2 State/Local/Tribal Stakeholder Discussion for May 31 (May 2, 2012) – EPA scheduled a stakeholder discussion for state, local, and tribal agencies to provide feedback regarding the development of an approach for implementation of the sulfur dioxide (SO2) National Ambient Air Quality Standard (NAAQS). The stakeholder discussion is scheduled for May 31 from 10:00 a.m. to 3:00 p.m. eastern time, and will be held at EPA’s Office of Air Quality Planning and Standards in Research Triangle Park, NC. The agency has provided a draft agenda for the state/local/tribal stakeholder discussion; further information will be posted on EPA’s website as it become available. For further information:


The Week Ahead

- NACAA 2012 Spring Board of Directors and Committee Chairs Meeting, in Denver, CO – May 6, 2012
- NACAA 2012 Spring Membership Meeting, Denver, CO – May 7-9, 2012
- First Meeting of House-Senate Transportation Conference Committee, in Washington, DC – May 8, 2012
- House Natural Resources Committee Hearing Evaluating President Obama’s Offshore Drilling Plan, in Washington, DC – May 9, 2012

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