



*This Week in Review – December 29, 2003-January 2, 2004*

*We Wish All of You a Happy and Healthy New Year!*

**(1) Appeals Court Blocks Implementation of NSR RMRR Rule (December 24, 2003)** – The U.S. Court of Appeals for the D.C. Circuit temporarily blocked implementation of the new routine maintenance, repair and replacement (RMRR) rule – one of EPA's New Source Review (NSR) reforms – that would have gone into effect on December 26, 2003. The three-judge panel ruled that the plaintiffs, who include attorneys general from 14 states and legal officers for several cities, demonstrated the irreparable harm of the rule and the likelihood of success on the merits of their case. In staying implementation of the RMRR rule, the court said it would expedite hearing the case on its merits. The court denied the plaintiffs' request to consolidate this case with the plaintiffs' legal challenge to the other portion of the administration's NSR reform package (the December 31, 2002 final rule regarding baseline emission determinations, actual-to-future actual determinations, the clean-unit exemption, and plantwide applicability limitations, among other items). [For further information: Air Web – In the News and NSR Subcommittee page]

**(2) EPA to Review California's NO<sub>x</sub> Requirements for Heavy-Duty Vehicles and Engines and NO<sub>x</sub> and PM Requirements for Urban Buses (December 31, 2003)** – EPA announced that California has requested that the agency confirm that requirements adopted by the state with respect to heavy-duty vehicles and engines are within the scope of previous waivers issued by EPA under Section 209(b) of the Clean Air Act. This would include a waiver of federal preemption for California's heavy-duty diesel powered engines and vehicles, which EPA approved on March 4, 1988. The California requirements at issue include: 1) a mandate that heavy-duty engines and vehicles (except urban buses) meet a new mandatory NO<sub>x</sub> standard in 1998 and in subsequent model years and optional NO<sub>x</sub> standards beginning with the 1995 model year, 2) revised emission standards for PM and NO<sub>x</sub> for urban buses, and 3) changes that align California's PM standards with the federal PM standard for 1996 and later model years of urban buses and align California's NO<sub>x</sub> standard with federal NO<sub>x</sub> standards starting with the 1996 model year of urban buses. Written comments are due by January 30, 2004. EPA will hold a public hearing on January 30, 2004, but only if someone notifies EPA by January 15, 2004, that it wants to present oral testimony. [For further information: 68 *Federal Register* 75500]

**(3) Revised Chapters on Toxicology and Human Health for PM Criteria Document Available for Review (December 30, 2003)** – EPA made available for public review and comment Chapter 7 (toxicology) and Chapter 8 (human health) of EPA's Air Quality Criteria Document for PM (Criteria Document). The Criteria Document provides an assessment of the scientific information on the effects of airborne PM on public health and welfare for use in EPA's current review of the National Ambient Air Quality Standards (NAAQS) for PM. Comments on these two draft chapters must be submitted in writing no later than January 31, 2004. These two revised draft chapters will be reviewed by the Clean Air Act Scientific Advisory Committee (CASAC) via a publicly accessible teleconference call in late January 2004 (date and time to be announced in a subsequent *Federal Register* notice). Following that CASAC teleconference, Chapter 9 (integrative synthesis) will be released for CASAC and public review at a public meeting in early March (date and site to be announced in a later *Federal Register* notice). The CASAC has reached closure on all other chapters of the Criteria Document. [For further information: <http://cfpub.epa.gov/ncea/>]

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

- Chesapeake Bay Commission Meeting in Annapolis, MD – January 8-9, 2004

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