



This Week in Review – January 3-7 2005

(1) STAPPA and ALAPCO Submit Comments on Electric Utility NODA (January 3, 2005) – STAPPA and ALAPCO submitted comments on EPA's Notice of Data Availability (NODA) related to the proposed MACT for electric utilities, which was published in the *Federal Register* on December 1, 2004. The NODA included summaries of comments and modeling the agency received during the public comment period on the proposal and sought comments on the information. STAPPA and ALAPCO's comments on the NODA reiterate the recommendations that the associations made in their June 29, 2004 comments on the proposed regulation. Additionally, the associations state that the information in the NODA does not portray the tremendous advances in control technology that have taken place recently. Further, the focus on cost estimates in the modeling distracts from the fact that the Clean Air Act calls for technology-based controls reflecting well-controlled sources. Finally, EPA's analysis did not adequately calculate the benefits that would result from an appropriately stringent MACT standard for electric utilities. [For further information: Air Web – In the News and Air Toxics Committee pages]

(2) ELI Convenes Mercury Forum (January 7, 2005) – The Environmental Law Institute (ELI) convened a day-long public policy forum on Alternatives for Addressing Mercury Pollution. Session topics included the Science of Mercury, Current Mercury Policy Options for Power Plant Emissions and Policy Options Addressing Mercury in Products. John Paul (Dayton, OH), ALAPCO Vice President and Co-Chair of the former EPA Utility MACT Working Group, was among the forum speakers. In his presentation, "Mercury Control: On the Path to Certainty," John highlighted the overwhelming need for utility controls, the significant uncertainty created by EPA's proposals, the key issues related to the regulation of mercury from utilities, the recommendations of the state and local participants in the Utility MACT Working Group and their major concerns with EPA's subsequent proposal, the main parameters of mercury control programs adopted by individual states and recommendations for the final utility MACT rule. [For further information: www.eli.org]

(3) EPA Publishes PM_{2.5} Designations in *Federal Register* (January 5, 2005) – EPA published the final PM_{2.5} designations in the *Federal Register* with an effective date of April 5, 2005. As noted in the December 17, 2004 *Washington Update*, a total of 47 areas encompassing 225 counties (191 full counties and 34 partial) have

been designated nonattainment for the PM_{2.5} standard. The designations are based on air quality data for calendar years 2001 through 2003. In the *Federal Register* notice, EPA provides that if any state submits, by February 22, 2005, complete, quality assured, certified 2004 data that suggest that a change of designation status is appropriate for any area within that state, and EPA agrees that a change of designation status is appropriate, then EPA will withdraw the designation announced in the *Federal Register* for such area and issue another designation that reflects the inclusion of 2004 data. EPA will only conduct this process for a state if that state submits the data by the deadline and EPA can complete the analysis and effect the change of designation status before April 5, 2005. [For further information: Air Web – In the News and Criteria Pollutants Committee pages]

(4) EPA Sued for Outdated Refinery Standards (January 6, 2005) – Alleging that EPA has never revised its original New Source Performance Standards (NSPS) for petroleum refineries, as required by the Clean Air Act, the Sierra Club and Our Children's Earth filed a suit against the agency in the U.S. District Court for the Northern District of California. The groups are seeking a mandatory injunction that will require EPA to propose within six months revised standards for particulate, carbon monoxide and sulfur oxides in refineries. Furthermore, the groups seek revision of VOC standards for petroleum refineries and for the synthetic organic chemical manufacturing industry. The Clean Air Act requires revision of the NSPS standards every eight years, but EPA has neither revised them, nor reviewed them and determined their continued adequacy, since they were promulgated in 1974 (for particulates, carbon monoxide and sulfur oxides) and in 1985 (for VOCs). According to a press release from Our Children's Earth, "EPA's delay has meant that emission standards have not been updated, despite considerable advances in pollution reduction technology and scientific research linking air pollution to adverse health effects."

(5) EPA Releases Draft MOVES2004 Model (January 6, 2005) – EPA's Office of Transportation and Air Quality has released the first version of the Motor Vehicle Emission Simulator – MOVES2004. Supporting documents have also been released covering model use, design and technical inputs. EPA plans eventually to replace MOBILE6 and NONROAD with a MOVES model that will be used for estimating all mobile source emissions. According to the advance notice, however, which EPA plans to publish in the *Federal Register* on January 10, the release of MOVES2004 is for review purposes only and does not affect the official status of MOBILE6 or NONROAD. EPA states in the notice that it "expects to make annual releases of upgraded versions of MOVES, adding pollutants and sources over the next four years and updating underlying data as needed." Furthermore, EPA explains, "MOVES2004 will be used as the basis for these future releases in terms of software design and interface, and by incorporating new methodologies and data for characterizing the on-road vehicle fleet and its activity." Also included in the notice is information relating to installing and running MOVES2004, including an installation guide. EPA will accept comments on the draft model until July 15, 2005. [For further information: www.epa.gov/otaq/models/ngm/moves2004]

(6) Attaining Ozone Standards Would Save U.S. Billions of Dollars (January 3, 2005) – A new study published in *Environmental Health Perspectives* estimates that attaining the new 8-hour ozone standard would provide billions of dollars in health benefits to the U.S. The authors of the study used EPA's Environmental Benefits Mapping and Analysis Program to estimate the potential health benefits if monitors that exceeded the 8-hour ozone standard between 2000 and 2002 had instead registered air quality readings meeting the standard. Averaging across 2000 through 2002, the authors calculated that attaining the 8-hour ozone standard at these monitors would have saved the U.S. \$5.7 billion over the three years, and avoided 800 premature deaths, 4,500 hospital admissions and emergency room visits, 900,000 school absences and over a million minor restricted activity days. [For further information: Air Web – Criteria Pollutants Committee page]

(7) Connecticut Steering Committee Completes Climate Change Action Plan (January 5, 2005) – A steering committee convened by the Governor of Connecticut has submitted a draft of the Connecticut Climate Change Action Plan 2005 to four committees of the Connecticut General Assembly for their review and comment. The plan contains 55 recommended actions that focus on five major topic areas: transportation and land use; residential, commercial and industrial; agriculture, forestry and waste; electricity generation; and education and outreach. Implementation of the recommendations will put Connecticut on target to reduce greenhouse gas emissions to 1990 levels by 2010 and to 10 percent below 1990 levels by 2020 and, over the long-term, achieve a 75-percent reduction. [For further information: Air Web – Global Warming Committee page]

(8) Mid-Atlantic States Graded on Mercury Controls (January 6, 2005) – In a new report released by the National Wildlife Federation (NWF), New Jersey received the highest grade among the Mid-Atlantic states – a B – for dealing with mercury pollution because the state has successfully finalized rules requiring a 90-percent reduction in mercury emissions from power plants by 2007 and a 75-percent reduction from iron and steel smelters by 2007. In *Mercury in the Mid-Atlantic: Are States Meeting the Challenge?* NWF evaluates mercury reduction efforts in Delaware, Maryland, New Jersey, New York and Pennsylvania based on seven goals including, among others, reducing state mercury air emission by the maximum extent possible; phasing-out the sale, use and disposal of mercury; issuing adequate fish consumption advisories to protect public health; and reducing mercury exposure through public education and outreach. NWF grades each state on each plan goal and also assigns an overall grade. Although NWF commends each state on its respective efforts to reduce mercury, it is obvious that much more needs to be done. New York, Maryland, Delaware and Pennsylvania received grades in the C and D range. [For further information: www.nwf.org/news]

(9) EPA Publishes Proposal to Revise MSAT Gasoline Default Baseline Values (January 4, 2005) – EPA published in the *Federal Register* a proposed rule revising the Mobile Source Air Toxics (MSAT) default baseline values for certain gasoline refiners and importers. As announced in the December 20-24, 2004 *Washington Update*, when this proposal was announced, the default baseline values are

applicable to the gasoline of those refiners or importers who cannot establish a unique individual MSAT baseline under the MSAT rules. EPA will accept written comments on the proposed revisions until February 3, 2005. [For further information: 70 *Federal Register* 640]

(10) EPA Publishes Proposal to Amend I/M Requirements (January 6, 2005) – EPA published in the *Federal Register* proposed “minor revisions” to the motor vehicle Inspection and Maintenance (I/M) regulation. According to EPA, the revisions update submission and implementation deadlines and other timing-related requirements to more appropriately reflect the implementation schedule for attaining the 8-hour ozone standard. As reported in the December 20-24, 2004 *Washington Update*, when this proposal was announced, the revisions would also amend the model year requirements in the modeling calculation that will establish the emission reduction target for I/M benefits. EPA will accept written comments on the proposed revisions until February 7, 2005. [For further information: 70 *Federal Register* 1314]

The Week Ahead

- Sustainable Energy Institute's Panel Discussion on Next Steps Post-Kyoto: U.S. Options -- Where Are We Now? in Washington, DC – January 13, 2005
- The Center for Economic and Environmental Partnership, Inc.'s Climate Change Risks & Opportunities: Learning from the Leaders Conference, in New York, New York – January 13-14, 2005

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