



### ***This Week in Review – January 5-9, 2004***

**(1) EPA Enforcement AA, J.P. Suarez, Resigns (January 5, 2004)** – John Peter Suarez, who has served less than two years as Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance (OECA), submitted his letter of resignation to President Bush. Suarez, who will leave EPA on January 30, has accepted a position as General Counsel of the Sam's Club division of WalMart Corporation. Before joining EPA, Suarez served as Director of the New Jersey Division of Gaming Enforcement under then-Governor Christine Todd Whitman. Also tendering their resignations from OECA recently were Bruce Buckheit, Director of EPA's Air Enforcement Division since 1996, and Rich Biondi, Associate Director of the Air Enforcement Division and a career employee since the 1970s, both of whom left EPA at the end of December. [For further information: Air Web – In the News]

**(2) STAPPA and ALAPCO Support Consent Agreement Between Environmental Defense and EPA (January 7, 2004)** – STAPPA and ALAPCO submitted comments to EPA supporting a proposed settlement agreement between Environmental Defense and the agency, which establishes deadlines for promulgation of NO<sub>x</sub> regulations that will satisfy "the particular goals and purposes of the prevention of significant deterioration (PSD) program." In their letter, the associations note that the agency has never regulated NO<sub>x</sub> in accord with section 163 of the Clean Air Act, which provides increments and ceilings for sulfur oxide and particulate matter in attainment areas, despite Congressional intent that NO<sub>x</sub> be similarly addressed. Commending the parties for agreeing to a rulemaking schedule, the associations state that they look forward to reviewing the proposed regulations. [For further information: Air Web – Permitting Committee page]

**(3) Bush Announces Nominations for EPA Deputy Administrator and CFO (January 7, 2004)** – President Bush nominated Stephen L. Johnson, Acting Deputy Administrator of EPA, to take over that position permanently. Johnson, who became Acting Deputy Administrator in July 2003, succeeding Linda J. Fisher, previously served as Acting Deputy Assistant Administrator and Principal Deputy Assistant Administrator of EPA's Office of Prevention, Pesticides, and Toxic Substances. The President also announced the nomination of Charles Johnson to serve as EPA's Chief Financial Officer. Charles Johnson currently serves as President of the Huntsman Cancer Institute at the University of Utah and has also served as a

member of the Utah State Board of Regents. He will succeed Linda Morrison Combs. Both nominations are subject to Senate confirmation.

**(4) EPA Takes Comment on Settlement with UARG of Lawsuit on “Sufficiency Monitoring” (January 4, 2004)** – EPA closed the public comment period on a proposed settlement agreement reached by the agency and the Utility Air Regulatory Group over the scope of monitoring required by Clean Air Act Title V Operating Permits for power plants and other major sources. As part of the agreement, EPA has agreed to withdraw a November 2002 interim rule and to reinterpret long-standing provisions related to compliance monitoring. Specifically, the settlement agreement states that EPA “has also determined that the correct interpretation of section 70.6(c)(1) [relating to provisions for monitoring separate from periodic monitoring ‘sufficient to assure compliance’] is that [the] provision [does] not establish a separate regulatory standard or basis for requiring or authorizing review and enhancement of existing monitoring...” At least five states and several environmental groups filed comments in opposition to the settlement. [For further information: 68 *Federal Register* 65700]

**(5) Snowmobile Case Reopened by District Court Judge in Wyoming (January 5, 2004)** – U.S. District Court Judge Clarence Brimmer announced that he would reopen a federal case challenging a rule issued by the Clinton Administration in 2000 that phases out snowmobile use in Yellowstone and Grand Teton National Parks. The settlement of that case, which was in a Wyoming District Court, resulted in a new, less stringent rule adopted by the Bush Administration, allowing more than 950 snowmobiles a day into Yellowstone. However, as reported in the December 22-26, 2003 *Washington Update*, on December 16, 2003 a federal district court judge in Washington, DC struck down the Bush Administration rule and ordered implementation of the previous rule adopted under the Clinton Administration. Following that action, on December 23, 2003, the judge denied a request by snowmobile manufacturers and users for a stay of his ruling while they appealed, prompting Judge Brimmer to agree to reopen the original case challenging the Clinton-era rule.

**(6) CBO Studies Cost Effectiveness of Increasing CAFE Standards, Gasoline Taxes (December 24, 2003)** – The Congressional Budget Office (CBO) released a report, entitled *The Economic Costs of Fuel Economy Standards Versus a Gasoline Tax*, in which the Office examines three possible scenarios for reducing oil and gas consumption while reducing air pollution. For the purposes of the study, a 10-percent reduction in gasoline consumption was used as the benchmark for comparing the costs of the scenarios. Under the first scenario, CBO found that increasing fuel economy standards to 31.3 miles per gallon (mpg) for passenger cars and to 24.5 mpg for light trucks would cost consumers and producers an additional \$3.6 billion (current CAFE standards require a fleetwide average of 27.5 mpg for cars and 20.7 mpg for light trucks). Under the second scenario, increased fuel economy standards were combined with credit trading; this scenario reduced the cost to consumers and producers by about 16 percent, to about \$3.0 billion per year. Under the last scenario, CBO examined the cost effectiveness of increasing the gasoline tax, finding

that this would achieve the 10-percent reduction in gasoline consumption at the lowest cost to consumers and producers, \$2.9 billion per year, or 3 percent less than the cost of increased CAFE standards with trading and 19 percent less than the cost of increased CAFE standards without trading. [For more information: [www.cbo.gov](http://www.cbo.gov)]

**(7) New Report Compares Benefits of Gasoline and Diesel Vehicles (January 7, 2004)** – The Union of Concerned Scientists (UCS) has concluded that the higher costs associated with cleaner diesel and gasoline vehicles are more than offset by reductions in fuel costs, resulting in a consumer savings of between \$400 and \$2,000 over the useful life of a vehicle. However, while fuel-efficient diesel and gasoline vehicles both offer potential savings, UCS also found that improved gasoline vehicles can save consumers more money for similar reductions in emissions than diesels. In *The Diesel Dilemma: Diesel's Role in the Race for Clean Cars*, UCS compares the environmental performance and cost effectiveness of fuel-efficient gasoline and diesels cars and light-duty trucks, focusing on the question of whether U.S. consumers should invest in diesel or gasoline vehicles to reduce oil usage, global warming emission and air pollution. [For more information: [www.ucsusa.org/clean\\_vehicles/cars\\_and\\_suvs/page.cfm?pageID=1307](http://www.ucsusa.org/clean_vehicles/cars_and_suvs/page.cfm?pageID=1307)]

**(8) Climate Change Could Lead to 37-Percent Species Extinction by 2050 (January 8, 2004)** – According to a study published in the magazine *Nature*, between 15 and 37 percent of all land plants and animals could become extinct by 2050 because of climate change expected to occur by that year. The extinction will occur because the species' habitat will have changed too much for it to live there and either there is no other appropriate habitat, the species cannot reach another appropriate habitat, or it cannot move to another habitat in enough numbers or enough time to save itself. The study assessed extinction risks for sample regions that cover over 20 percent of the Earth's land surface and used mid-range climate warming scenarios. Limiting warming to minimum levels (i.e., the warming that is inevitable based on GHGs already in the atmosphere) would result in an expected loss of 18 percent of all land and plant animals. Thus, minimizing GHG emissions and sequestering carbon to realize minimum, rather than mid-range or maximum, expected climate warming could save a substantial percentage of terrestrial species from extinction. [For more information: [www.nature.com/nature/links/040108/040108-1.html](http://www.nature.com/nature/links/040108/040108-1.html)]

**(9) EPA Releases 2002 Report on Acid Rain Program (January 5, 2004)** – In 2002, sources covered by EPA's acid rain program reduced their SO<sub>2</sub> emissions 41 percent compared to 1980 levels (35 percent compared to 1990 levels). Total NO<sub>x</sub> emissions from sources covered by EPA's acid rain program in 2002 were 33 percent below 1990 levels. EPA's acid rain program caps SO<sub>2</sub> emissions from 3,208 electric generating units and sets NO<sub>x</sub> emission limitations for certain coal-fired electric utility boilers. The program allows utilities to "bank" unused allowances for use in future years; as of March 1, 2003, utilities had 8,653,843 unused SO<sub>2</sub> allowances that can be applied to offset emissions in future years. Compliance with the acid rain program was almost 100 percent; one unit was short a total of 33 allowances to cover its emissions for the 2002 compliance year, and these allowances were subtracted from its 2003 allocation and the utility was assessed a penalty of \$90,000. EPA's report

also includes discussion of trends in acid deposition and related air quality issues. [For further information: [www.epa.gov/airmarkets/cmprpt/arp02/2002report.pdf](http://www.epa.gov/airmarkets/cmprpt/arp02/2002report.pdf)]

**(10) Five States Submit Section 309 Regional Haze Plans (January 5, 2004)** – Five western states – Arizona, New Mexico, Oregon, Utah and Wyoming – submitted State Implementation Plans (SIPs) for reducing emissions that contribute to regional haze by the deadline specified under section 309 of the EPA regional haze rule. Section 309 of the regional haze rule establishes specific SIP requirements that may be used by states that participated in the Grand Canyon Visibility Transport Commission to satisfy the national regional haze rule. A SIP that meets the requirements of section 309 will be considered by EPA to comply with the national regional haze rule's requirement for reasonable progress during the period between plan approval and 2018. [For further information: [www.wrapair.org/309/index.html](http://www.wrapair.org/309/index.html) and 40 CFR section 51.309]

**(11) EPA Publishes Final MACT Standard for Metal Coating (January 2, 2004)** – EPA has published a final MACT standard in the *Federal Register* pertaining to operations located at major sources of hazardous air pollutants (HAPs) that apply surface coating to miscellaneous metal parts and products. The rule applies to process vessels, storage tanks, equipment leaks, wastewater systems and transfer operations. EPA estimates the rule will reduce HAP emissions by 4,900 tons per year. [For further information: 69 *Federal Register* 130]

**(12) EPA Publishes MACT for Lime Manufacturing Plants (January 5, 2004)** – EPA has published in the *Federal Register* a final standard to reduce HAPs from lime manufacturing plants, including lime kilns, lime coolers and various types of processed stone handling operations. EPA estimates that the MACT will reduce emissions of HAPs from the source category by 6.5 tons per year and reduce emissions of particulate matter by 5,000 tons per year. [For further information: 69 *Federal Register* 394]

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

- Public Workshop on DOE's Revised Guidelines for Reporting GHG Emissions and GHG Emission Reductions, in Washington, DC – January 12, 2004
- California Air Resources Board SIP Summit: Defining the Path to Clean Air, in Sacramento, California – January 13-14, 2004

---

STAPPA/ALAPCO  
444 North Capitol Street, NW, Suite 307  
Washington, DC 20001  
Tel: (202) 624-7864/Fax: (202) 624-7863  
[4clnair@4cleanair.org](mailto:4clnair@4cleanair.org)